

EXHIBIT A

Case Information

TORRES VS CARBALLO ET AL

21-C-07430-S5

Location	Case Category	Case Type	Case Filed Date
Gwinnett - State Court	Civil	Tort - Auto Tort	10/13/2021
Judge	Case Status		
South, Pamela D	Open (PEN)		

Parties ³

Type	Name	Attorneys
DEFENDANT	BRITO & SON TRANSPORT INC	Pro Se
DEFENDANT	ALBERTO CARBALLO	Pro Se
PLAINTIFF	WANDA TORRES	JAN P COHEN, RYAN M HORN

Events ⁹

Date	Event	Type	Comments	Documents
10/13/2021	Filing	Summons	Summons	State Court E-File Summons Gwinnett.pdf
10/13/2021	Filing	Certificate of Service of Discovery	Rule 5.2 Certificate of Serving Discovery	5.2.pdf
10/13/2021	Filing	COMPLAINT WITH JURY DEMAND	Complaint with Exhibit A	Complaint with Exhibit A.pdf
10/13/2021	Filing	Interrogatories	Discovery to Brito & Son	discovery to brito and son.pdf
10/13/2021	Filing	Interrogatories	Discovery to Defendant Carballo	discovery to defendant carballo.pdf
10/13/2021	Filing	General Civil/Dom Relations Case Filing Form	Case Initiation Form	CFILE.pdf
10/15/2021	Filing	AMENDED COMPLAINT WITH JURY DEMAND	Amended Complaint	AMENDED COMPLAINT WITH JURY DEMAND.pdf
11/2/2021	Filing	Sheriff/Marshall's Service	SEOS - Brito	SEOS - Brito.pdf
11/3/2021	Filing	SHERIFFS ENTRY OF SERVICE SUBPOENA - NON EST	SEOS - Carballo - nonested	SEOS - Carballo non-ested.pdf

General Civil and Domestic Relations Case Filing Information Form☐ Superior or ☒ State Court of Gwinnett County**For Clerk Use Only**Date Filed _____
MM-DD-YYYYCase Number 21-C-07430-S5**Plaintiff(s)**

Torres Wanda

Last First Middle I. Suffix Prefix

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Defendant(s)

Carballo Alberto

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Brito & Son Transport, Inc.

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Plaintiff's Attorney Ryan M. Horn State Bar Number 794788 Self-Represented ☐

Check one case type and one sub-type in the same box (if a sub-type applies):

General Civil Cases

- ☐ Automobile Tort
- ☐ Civil Appeal
- ☐ Contempt/Modification/Other Post-Judgment
- ☐ Contract
- ☐ Garnishment
- ☐ General Tort
- ☐ Habeas Corpus
- ☐ Injunction/Mandamus/Other Writ
- ☐ Landlord/Tenant
- ☐ Medical Malpractice Tort
- ☐ Product Liability Tort
- ☐ Real Property
- ☐ Restraining Petition
- ☐ Other General Civil

Domestic Relations Cases

- ☐ Adoption
- ☐ Contempt
- ☐ Non-payment of child support, medical support, or alimony
- ☐ Dissolution/Divorce/Separate Maintenance/Alimony
- ☐ Family Violence Petition
- ☐ Modification
- ☐ Custody/Parenting Time/Visitation
- ☐ Paternity/Legitimation
- ☐ Support – IV-D
- ☐ Support – Private (non-IV-D)
- ☐ Other Domestic Relations

- ☐ Check if the action is related to another action pending or previously pending in this court involving some or all of the same: parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number

Case Number

- ☐ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in OCGA § 9-11-7.1.

- ☐ Is a foreign language or sign-language interpreter needed in this case? If so, provide the language(s) required.

Language(s) Required

- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.

IN THE STATE COURT OF GWINNETT COUNTY

STATE OF GEORGIA

Wanda Torres

CIVIL ACTION 21-C-07430-S5
NUMBER: _____

PLAINTIFF

VS.

Alberto Carballo and

Brito & Son Transport, Inc.

DEFENDANT

SUMMONS

TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

Kenneth S. Nugent, P.C.
4227 Pleasant Hill Road
Building 11
Duluth, Georgia 30096

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This _____ day of _____, 20____.

Tiana P. Garner
Clerk of State Court

By  _____
Deputy Clerk

INSTRUCTIONS: Attach addendum sheet for additional parties if needed, make notation on this sheet if addendum sheet is used.

SC-1 Rev. 2011

IN THE STATE COURT OF GWINNETT COUNTY

STATE OF GEORGIA

WANDA TORRES,)	
)	
Plaintiff,)	
)	CIVIL ACTION FILE NO.:
vs.)	
)	21-C-07430-S5
ALBERTO CARBALLO, and)	
BRITO & SON TRANSPORT, INC.,)	
)	
Defendants.)	

COMPLAINT FOR DAMAGES

COMES NOW Wanda Torres, Plaintiff in the above-styled action, by and through the undersigned counsel, Kenneth S. Nugent, P.C., and hereby files this, her Complaint (the “Complaint”) against Defendants Alberto Carballo and Brito & Son Transport, Inc., and shows this Honorable Court as follows:

1.

Wanda Torres (“Plaintiff”) is a resident of the State of Georgia and currently resides at 212 Overlook Park Lane, Lawrenceville, Georgia 30043. For purposes of the instant action, Plaintiff subjects herself to the jurisdiction and venue of this Court.

2.

Alberto Carballo (“Defendant Carballo”) is a resident of Miami-Dade County, Florida and subject to the jurisdiction of this Court pursuant to O.C.G.A. § 40-12-3 which states in pertinent part, “actions brought under this chapter relating to the use of the highways of this state by a nonresident motorist shall be brought in the county in which the accident or injury occurred or the cause of action originated, or in the county of the residence of the Plaintiff, as the Plaintiff in such action may elect...” Defendant Carballo may be served with a copy of this Complaint and Summons at his residence, to-wit: 810 NW 40th Avenue, Miami, Florida 33126.

3.

Defendant Brito & Son, Inc. (Defendant “Brito”), is a Florida Corporation doing business in the State of Georgia. Service of a Second Original Summons and Complaint may be made on this Defendant by serving its registered agent, to wit: Ariand Brito, 5810 NW 114th Street, Hialeah, Florida 33012 and is subject to the jurisdiction and venue of this Court.

SUMMARY OF FACTS

4.

On or about March 28, 2020, Plaintiff was a passenger in a 2012 Nissan Sentra traveling eastbound on Buford Highway at or near its intersection with Mall of Georgia Boulevard, in the County of Gwinnett, State of Georgia.

5.

On or about same time and place, Defendant Carballo was driving a 2003 Peterbuilt Truck on eastbound on Buford Highway directly behind the vehicle in which Plaintiff was traveling as a passenger.

6.

On or about March 28, 2020, Defendant Carballo failed to stop his vehicle. Suddenly, and without warning, Defendant Carballo collided with the rear of the vehicle in which Plaintiff was traveling as a passenger, causing damages to both vehicles and injuries to Plaintiff.

7.

At all times relevant hereto, the vehicle in which Plaintiff was traveling as a passenger was operated in a safe, reasonable, and prudent fashion.

8.

At said time and place, Defendant Carballo failed to act in the manner expected of a reasonable and prudent driver by following too closely, and Defendant Carballo was otherwise negligent in the premises.

9.

As a direct and proximate result of the collision, Plaintiff sustained immediate and severe injuries to her neck, back, chest, both shoulders, right hip and leg.

10.

Defendant Carballo's failure to obey traffic laws by following too closely constitutes a violation of O.C.G.A. § 40-6-49.

11.

Because Defendant Carballo violated O.C.G.A. § 40-6-49, Defendant's actions constitute negligence per se, as well as ordinary negligence.

12.

Defendant Carballo's negligent actions were the sole, direct, and proximate cause of the collision.

13.

The aforesaid collision was not the result of any negligence on the part of Plaintiff or any person other than Defendant Carballo.

14.

At the time of the collision which is the subject-matter of this case, Defendant Carballo was driving and operating a vehicle which was owned by Defendant Brito.

15.

Defendant Carballo's operation of Defendant Brito's vehicle was warranted under the express authority granted him by virtue of his agency and/or employment relationship with Defendant Brito.

16.

When Defendant Carballo committed the negligent acts described above, he was acting under the direction and control of Defendant Brito, and was acting within the scope of his employment and in furtherance of Defendant Brito.

17.

The negligent acts committed by Defendant Carballo were within the range of Defendant Carballo's employment and for the purpose of accomplishing the business authorized by Defendant Brito.

18.

Defendant Brito, is therefore liable to the Plaintiff under the theory of *Respondeat Superior*, for the negligent acts and omissions of its agent and/or employee, Defendant Carballo; as such acts were committed in the course and scope of these agencies and/or employment by Defendant Brito, and proximately caused the Plaintiff's injuries.

19.

As a result of the injuries Plaintiff sustained in the collision, Plaintiff has incurred significant physical and mental pain and suffering as well as extensive costs and expenses, all of which will be itemized by appropriate amendment to these pleadings.

20.

Defendants Carballo and Brito, are therefore jointly and severally liable to Plaintiff for special and general damages in an amount to be proved by the evidence at trial.

COUNT 1: NEGLIGENCE OF
DEFENDANT ALBERTO CARBALLO

21.

Plaintiff re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 20 above as though fully set forth herein.

22.

The negligence was caused in whole or in part by the negligence and negligence-per-se of Defendant Carballo in one or more of the following respects:

- a. Defendant Carballo failed to drive at a reasonable and prudent speed;
- b. Defendant Carballo failed to obey the traffic laws in the State of Georgia;
- c. Defendant Carballo failed to take evasive action to avoid the collision made the basis of this claim;
- d. Defendant Carballo drove Defendant Brito's vehicle in reckless and/or careless disregard for the safety of other drivers on the highway especially the Plaintiff herein; and
- e. Defendant Carballo failed to maintain control of Defendant Brito's vehicle and failed to post a proper lookout.

23.

Further, the actions of Defendant Carballo constitute a direct violation of numerous statutes of the State of Georgia, with such violations constituting negligence-per-se or negligence as a matter of law. These statutory violations are:

- | | |
|---------------------|-----------------------------------|
| O.C.G.A. § 40-6-390 | Reckless driving; |
| O.C.G.A. § 40-6-241 | Drivers to exercise due care; and |
| O.C.G.A. § 40-6-49 | Following too closely. |

24.

The above described acts of negligence and negligence per-se above caused the vehicle driven by Defendant Carballo to collide with the Plaintiff's vehicle.

25.

Due to the collision caused by Defendant Carballo, Plaintiff suffered serious bodily injuries, incurred medical expenses and endured physical and emotional pain and suffering, past, present, and future.

COUNT II: INJURIES
TO PLAINTIFF

26.

Paragraphs 1 through 25 of this Complaint are incorporated herein by reference.

27.

As a direct and proximate result of the actions of Defendant Carballo, Plaintiff has sustained:

- a) Various bodily injuries, including but not limited: headache; right leg and hip pain; joint stiffness; muscle spasms; myalgia/myositis; bilateral shoulder pain; cervical, thoracic and lumbar sprain/strain; cervical, thoracic, and lumbar pain; cervical, thoracic and lumbar disc displacement; thoracic radiculopathy supraspinatus; infrasoinatus full thickness tear of the anterior to mid supraspinatus insertion and grade articular surface tear of the mid infraspinatus insertion;
- b) Past, present and future mental and physical pain and suffering and disruption of normal life and diminution in the enjoyment of life;
- c) Past, present and future medical expenses; and
- d) Incidental expenses.

28.

Plaintiff has incurred or will incur the following special damages:

ProHealth Integrated Medical	05/29/2020 - 08/21/2020	\$ 3,603.39
Ortho Sport & Spine Physicians	07/01/2020 - 11/30/2020	\$ 56,183.83

Future Medical Care:		
Ortho Sport & Spine Physicians Surgical Estimate		\$ 77,542.00

TOTAL SPECIALS	\$ 137,329.22
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The bills for the above referenced damages are attached hereto as Exhibit "A".

29.

The charges for the above referenced bills are reasonable and customary for the treatment that Plaintiff has received and/or will receive.

30.

The above referenced charges were/are necessary to treat the injuries Plaintiff suffered as a result of this accident.

31.

Defendants are therefore liable to Plaintiff for past and future special damages in the amount of \$137,329.22.

32.

Defendants are further liable to Plaintiff for general damages in an amount to be proven by the evidence at trial.

WHEREFORE, Plaintiff prays that he has judgment against Defendants as follows:

- a) Trial by jury;
- b) Judgment against the Defendants for general damages in an amount to be determined by the Court;

- c) Judgment against the Defendants for special damages in an amount to be proven at trial;
- d) Judgment against the Defendants for costs and expenses;
- e) Judgment against the Defendants for such other and further relief as this Court deems appropriate; and
- f) That Plaintiff recover for attorneys' fees and all other damages allowed under O.C.G.A. § 13-6-11.

This 13th day of October, 2021.

KENNETH S. NUGENT, P.C.

/s/ Ryan M. Horn

Ryan M. Horn
Georgia Bar No. 794788
Jan P. Cohen
Georgia Bar No. 174337
Attorneys for Plaintiff

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rhorn@attorneykennugent.com
jcohen@attorneykennugent.com

Patient Transaction Report

ProHealth Integrated Medical LLC

Date Range: May 1, 2020-Aug 21, 2020

Transaction
Type:

AssociatedFilter Charge By:

Service Date

Provider:

All

Patient Name & Account
No: TORRES,
WANDA

96893

Patient Name	Patient Acct No	Claim ID	Rendering Provider Name	Service Date	Transaction Date	Charges By CPT		Billed Charge	Ins Payment
TORRES, WANDA	96893	98749	Willis DC, Christopher P	Jun 17, 2020	Jul 13, 2020	97010	\$35.00	\$195.00	\$0.00
						97012	\$45.00		
						97026	\$50.00		
						97124	\$65.00		
	98749						98749	\$195.00	\$0.00
	96893	98751	Willis DC, Christopher P	May 29, 2020	Jul 13, 2020	97010	\$35.00	\$266.00	\$0.00
						97012	\$45.00		
						97026	\$50.00		
						97124	\$65.00		
						98941	\$71.00		
	98751						98751	\$266.00	\$0.00
	96893	98752	Willis DC, Christopher P	May 29, 2020	Jul 13, 2020	99202	\$150.00	\$150.00	\$0.00
	98752						98752	\$150.00	\$0.00
	96893	98753	Willis DC, Christopher P	Jun 3, 2020	Jul 13, 2020	97535	\$65.00	\$315.00	\$0.00
						E0720	\$250.00		
	98753						98753	\$315.00	\$0.00
	96893	98754	Willis DC, Christopher P	Jun 3, 2020	Jul 13, 2020	97010	\$35.00	\$195.00	\$0.00
						97012	\$45.00		
						97026	\$50.00		
						97124	\$65.00		
	98754						98754	\$195.00	\$0.00
	96893	98756	Willis DC, Christopher P	Jun 5, 2020	Jul 13, 2020	97010	\$35.00	\$195.00	\$0.00
						97012	\$45.00		
						97026	\$50.00		
						97124	\$65.00		
	98756						98756	\$195.00	\$0.00

Exhibit A

Patient Transaction Report

ProHealth Integrated Medical LLC

Date Range: May 1, 2020-Aug 21, 2020

Transaction
Type:

AssociatedFilter Charge By:

Service Date

Provider:

All

Patient Name & Account
No:

Patient Name	Patient Acct No	Claim ID	Rendering Provider Name	Service Date	Transaction Date	Charges By CPT		Billed Charge	Ins Payment
TORRES, WANDA	96893	98758	Willis DC, Christopher P	Jun 10, 2020	Jul 13, 2020	97010	\$35.00	\$260.00	\$0.00
						97012	\$45.00		
						97026	\$50.00		
						97124	\$65.00		
						98940	\$65.00		
	98758					98758		\$260.00	\$0.00
	96893	98759	Willis DC, Christopher P	Jun 10, 2020	Jul 13, 2020	99070	\$75.00	\$75.00	\$0.00
	98759					98759		\$75.00	\$0.00
	96893	98760	Willis DC, Christopher P	Jun 12, 2020	Jul 13, 2020	97010	\$35.00	\$195.00	\$0.00
						97012	\$45.00		
						97026	\$50.00		
						97124	\$65.00		
	98760					98760		\$195.00	\$0.00
	96893	98761	Willis DC, Christopher P	Jun 19, 2020	Jul 13, 2020	97010	\$35.00	\$266.00	\$0.00
						97012	\$45.00		
						97026	\$50.00		
						97124	\$65.00		
						98941	\$71.00		
	98761					98761		\$266.00	\$0.00
	96893	98762	Willis DC, Christopher P	Jun 24, 2020	Jul 13, 2020	97010	\$35.00	\$195.00	\$0.00
						97012	\$45.00		
						97026	\$50.00		
						97124	\$65.00		
	98762					98762		\$195.00	\$0.00
	96893	98763	Willis DC, Christopher P	Jun 26, 2020	Jul 13, 2020	97010	\$35.00	\$195.00	\$0.00
						97012	\$45.00		
						97026	\$50.00		
						97124	\$65.00		

Aug 21, 2020

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Patient Transaction Report

ProHealth Integrated Medical LLC

Date Range: May 1, 2020-Aug 21, 2020

Transaction
Type:

AssociatedFilter Charge By:

Service Date

Provider:

All

Patient Name & Account
No:

Patient Name	Patient Acct No	Claim ID	Rendering Provider Name	Service Date	Transaction Date	Charges By CPT		Billed Charge	Ins Payment
TORRES, WANDA	98763					98763		\$195.00	\$0.00
	96893	98764	Willis DC, Christopher P	Jul 1, 2020	Jul 13, 2020	97010	\$35.00	\$386.00	\$0.00
						97012	\$45.00		
						97026	\$50.00		
						97124	\$65.00		
						98941	\$71.00		
						99213	\$120.00		
	98764					98764		\$386.00	\$0.00
	96893	99101	Willis DC, Christopher P	Jul 3, 2020	Aug 19, 2020	97010	\$35.00	\$195.00	\$0.00
						97012	\$45.00		
						97026	\$50.00		
						97124	\$65.00		
	99101					99101		\$195.00	\$0.00
	96893	99102	Willis DC, Christopher P	Jul 8, 2020	Aug 19, 2020	97010	\$35.00	\$195.00	\$0.00
						97012	\$45.00		
						97026	\$50.00		
						97124	\$65.00		
	99102					99102		\$195.00	\$0.00
	96893	99103	Willis DC, Christopher P	Jul 10, 2020	Aug 19, 2020	97010	\$35.00	\$266.00	\$0.00
						97012	\$45.00		
						97026	\$50.00		
						97124	\$65.00		
						98941	\$71.00		
	99103					99103		\$266.00	\$0.00
	96893	99106	Willis DC, Christopher P	Aug 21, 2020	Aug 21, 2020	59982	\$59.39	\$59.39	\$0.00
	99106					99106		\$59.39	\$0.00
TORRES, WANDA						TORRES, WANDA		\$3,603.39	\$0.00
Summary						Summary		\$3,603.39	\$0.00

Aug 21, 2020

- 5 -

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Itemized Billing Statement**Date Range:** Jan 1, 2014 - Dec 2, 2020**Provider:** All**Patient:** Torres, Wanda**PATIENT NAME:** Torres, Wanda**ACCOUNT #:** AB55947**DOB:** Apr 6, 1961**MOBILE PHONE:** 770-925-5881**ADDRESS:** 1654 FT MASON WAY,DACULA,GA,30019-6790**PHONE:** 925-5881

FacilityName	Rendering Provider Name	CLAIM #	Service Date	CODE/DESC	Mod1	Units	ICD	BALANCE
Ortho Sport & Spine Physicians Buford	Clark, Melanie	241108	Jul 1, 2020	72040 X-RAY EXAM OF NECK SPINE		1	M54.2 M54.5 M47.812 M54.12 M54.2 M47.816	\$123.00
Ortho Sport & Spine Physicians Buford	Clark, Melanie	241108	Jul 1, 2020	72100 X-RAY EXAM OF LOWER SPINE		1	M54.2 M54.5 M47.812 M54.12 M54.2 M47.816	\$123.00
Ortho Sport & Spine Physicians Buford	Clark, Melanie	241108	Jul 1, 2020	99204 Office Visit, New Pt., Level 4		1	M54.2 M54.5 M47.812 M54.12 M54.2 M47.816	\$499.00
CLAIM BALANCE								\$745.00
Ortho Sport & Spine Physicians Buford	Clark, Melanie	243361	Jul 14, 2020	99213 Office Visit, Est Pt., Level 3		1	M47.816 M54.5 M47.812 M54.2 M50.20	\$213.00
CLAIM BALANCE								\$213.00
OSSP IMAGING of North Atlanta	Feiner, Clifford	243502	Jul 7, 2020	72148 MRI LUMBAR SPINE W/O DYE		1	M47.816	\$1,874.00
CLAIM BALANCE								\$1,874.00
OSSP IMAGING of North Atlanta	Feiner, Clifford	243504	Jul 7, 2020	72141 MRI NECK SPINE W/O DYE		1	M47.812	\$1,949.00
CLAIM BALANCE								\$1,949.00
Orthopedic Surg Ctr of Sandy Springs	Rosen, Ryan	243638	Jul 15, 2020	64490 INJ PARAVERT F JNT C/T 1 LEV	50	1	M47.812	\$2,952.00
Orthopedic Surg	Rosen, Ryan	243638	Jul 15, 2020	64491 INJ PARAVERT F	50	1	M47.812	\$1,534.00

Ctr of Sandy
Springs
Orthopedic Surg
Ctr of Sandy
Springs

Rosen, Ryan 243638

Jul 15, 2020

JNT C/T 2 LEV

64492 INJ PARAVERT F
JNT C/T 3 LEV

50

1

M47.812

\$1,370.00

**CLAIM
BALANCE**

\$5,856.00

Orthopedic Surg
Ctr of Sandy
Springs

of Sandy
Springs,
Orthopedic
Surgery
Center
of Sandy

245692

Jul 15, 2020

64490 ASC INJ PARAVERT
F JNT C/T 1 LEV

50

1

M47.812

\$4,548.00

Orthopedic Surg
Ctr of Sandy
Springs

Springs,
Orthopedic
Surgery
Center
of Sandy

245692

Jul 15, 2020

64491 ASC INJ PARAVERT
F JNT C/T 2 LEV

50

1

M47.812

\$1,966.00

Orthopedic Surg
Ctr of Sandy
Springs

Springs,
Orthopedic
Surgery
Center
of Sandy

245692

Jul 15, 2020

64492 ASC INJ PARAVERT
F JNT C/T 3 LEV

50

1

M47.812

\$1,630.00

Orthopedic Surg
Ctr of Sandy
Springs

Springs,
Orthopedic
Surgery
Center
of Sandy

245692

Jul 15, 2020

99070 CUSTOM STERILE
INJECTION TRAY

1

M47.812

\$197.00

Orthopedic Surg
Ctr of Sandy
Springs

Springs,
Orthopedic
Surgery
Center
of Sandy

245692

Jul 15, 2020

99156 MOD SED OTH
PHYS/QHP 5/>YRS

1

M47.812

\$350.00

**CLAIM
BALANCE**

\$8,691.00

Orthopedic Surg
Ctr of Sandy
Springs

Lee, Jeffrey Y 245766

Jul 28, 2020

20552 SAV INJECT
TRIGGER POINT, 1 OR 2

50

1

M47.817 R51

\$582.00

Orthopedic Surg
Ctr of Sandy
Springs

Lee, Jeffrey Y 245766

Jul 28, 2020

64493 INJ PARAVERT F
JNT L/S 1 LEV

50

1

M47.817 R51

\$2,916.00

Orthopedic Surg
Ctr of Sandy
Springs

Lee, Jeffrey Y 245766

Jul 28, 2020

64494 INJ PARAVERT F
JNT L/S 2 LEV

50

1

M47.817 R51

\$1,468.00

Orthopedic Surg
Ctr of Sandy
Springs

Lee, Jeffrey Y 245766

Jul 28, 2020

64495 INJ PARAVERT F
JNT L/S 3 LEV

50

1

M47.817 R51

\$1,300.00

**CLAIM
BALANCE**

\$6,266.00

Orthopedic Surg
Ctr of Sandy
Springs

of Sandy
Springs,
Orthopedic
Surgery
Center
of Sandy

246503

Jul 28, 2020

20552 ASC INJECT
TRIGGER POINT, 1 OR 2

50

1

M47.817 R51

\$1,222.26

Orthopedic Surg
Ctr of Sandy
Springs

Springs,
Orthopedic
Surgery
Center
of Sandy

246503

Jul 28, 2020

64493 ASC INJ PARAVERT
F JNT L/S 1 LEV

50

1

M47.817 R51

\$4,584.00

Orthopedic Surg
Ctr of Sandy
Springs

Springs,
Orthopedic
Surgery
Center
of Sandy

246503

Jul 28, 2020

64494 ASC INJ PARAVERT
F JNT L/S 2 LEV

50

1

M47.817 R51

\$2,032.00

Orthopedic Surg Ctr of Sandy Springs	of Sandy Springs, Orthopedic Surgery Center of Sandy Springs,	246503	Jul 28, 2020	64495 ASC INJ PARAVERT 50 F JNT L/S 3 LEV	1	M47.817 R51	\$1,700.00
Orthopedic Surg Ctr of Sandy Springs	of Sandy Springs, Orthopedic Surgery Center of Sandy Springs,	246503	Jul 28, 2020	99070 CUSTOM STERILE INJECTION TRAY	1	M47.817 R51	\$197.00
Orthopedic Surg Ctr of Sandy Springs	of Sandy Springs, Orthopedic Surgery Center of Sandy Springs,	246503	Jul 28, 2020	99156 MOD SED OTH PHYS/QHP 5/>YRS	1	M47.817 R51	\$350.00

**CLAIM
BALANCE****\$10,085.26**

Ortho Sport & Spine Physicians Buford	Clark, Melanie	248901	Aug 12, 2020	99213 Office Visit, Est Pt., Level 3	1	M47.812 M54.2 M47.816 M54.5	\$213.00
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**CLAIM
BALANCE****\$213.00**

Ortho Sport & Spine Physicians Buford	Clark, Melanie	251562	Aug 27, 2020	99213 Office Visit, Est Pt., Level 3	1	M47.812 M50.20 M54.2 M47.816 M54.5	\$213.00
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**CLAIM
BALANCE****\$213.00**

Ortho Sport & Spine Physicians	Flood, Mark A	255513	Sep 18, 2020	99213 Office Visit, Est Pt., Level 3	1	R20.2 M47.812 M79.18 S13.0XXA G95.20	\$213.00
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Ortho Sport & Spine Physicians	Flood, Mark A	255513	Sep 18, 2020	L0637 LSO SAG-CORONAL PANEL PREFAB	1	R20.2 M47.812 M79.18 S13.0XXA G95.20	\$1,600.00
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**CLAIM
BALANCE****\$1,813.00**

Ortho Sport & Spine Physicians Buford	Clark, Melanie	258368	Oct 1, 2020	99213 Office Visit, Est Pt., Level 3	1	M47.812 M54.2 M50.20 M54.12 M54.5 M47.816	\$213.00
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**CLAIM
BALANCE****\$213.00**

Ortho Sport & Spine Physicians	Flood, Mark A 261491	Oct 19, 2020	20552 INJECT TRIGGER POINT, 1 OR 2	1	M54.12 M25.511	\$291.00
Ortho Sport & Spine Physicians	Flood, Mark A 261491	Oct 19, 2020	99070 CUSTOM STERILE INJECTION TRAY	1	M54.12 M25.511	\$197.00
Ortho Sport & Spine Physicians	Flood, Mark A 261491	Oct 19, 2020	99213 Office Visit, Est Pt., Level 3 25	1	M54.12 M25.511	\$213.00
Ortho Sport & Spine Physicians	Flood, Mark A 261491	Oct 19, 2020	J1885 INJ KETOROLAC TROMETHAMINE 15 MG	1	M54.12 M25.511	\$36.00

**CLAIM
BALANCE****\$737.00**

Ortho Sport & Spine Physicians Buford	Clark, Melanie 263743	Oct 28, 2020	73030 X-RAY EXAM OF SHOULDER LT	1	M25.511 M25.512 M75.40 S43.429A M54.2	\$96.00
Ortho Sport & Spine Physicians Buford	Clark, Melanie 263743	Oct 28, 2020	73030 X-RAY EXAM OF SHOULDER RT	1	M25.511 M25.512 M75.40 S43.429A M54.2	\$96.00
Ortho Sport & Spine Physicians Buford	Clark, Melanie 263743	Oct 28, 2020	99070 DENDRACIN 30/10/0.25%	1	M25.511 M25.512 M75.40 S43.429A M54.2	\$464.40
Ortho Sport & Spine Physicians Buford	Clark, Melanie 263743	Oct 28, 2020	99213 Office Visit, Est Pt., Level 3	1	M25.511 M25.512 M75.40 S43.429A M54.2	\$213.00

**CLAIM
BALANCE****\$869.40**

Ortho Sport & Spine Physicians Buford	Lee, Jeffrey Y 263744	Oct 28, 2020	20552 INJECT TRIGGER POINT, 1 OR 2	1	M47.812 M47.816 M54.5 M54.2 M79.10	\$200.00
Ortho Sport & Spine Physicians Buford	Lee, Jeffrey Y 263744	Oct 28, 2020	99070 CUSTOM STERILE INJECTION TRAY	1	M47.812 M47.816 M54.5 M54.2 M79.10	\$197.00
Ortho Sport & Spine Physicians Buford	Lee, Jeffrey Y 263744	Oct 28, 2020	99213 Office Visit, Est Pt., Level 3 25	1	M47.812 M47.816 M54.5 M54.2 M79.10	\$213.00
Ortho Sport & Spine Physicians Buford	Lee, Jeffrey Y 263744	Oct 28, 2020	J2001 INJECTION, XYLOCAINE 1% 1CC	4	M47.812 M47.816 M54.5 M54.2	\$281.60

M79.10

CLAIM BALANCE							\$891.60
Orthopedic Surg Ctr of Sandy Springs	Lee, Jeffrey Y 265934	Nov 7, 2020	64493 INJ PARAVERT F JNT L/S 1 LEV	50	1	M47.817	\$2,916.00
Orthopedic Surg Ctr of Sandy Springs	Lee, Jeffrey Y 265934	Nov 7, 2020	64494 INJ PARAVERT F JNT L/S 2 LEV	50	1	M47.817	\$1,468.00
Orthopedic Surg Ctr of Sandy Springs	Lee, Jeffrey Y 265934	Nov 7, 2020	64495 INJ PARAVERT F JNT L/S 3 LEV	50	1	M47.817	\$1,300.00

CLAIM BALANCE							\$5,684.00
Orthopedic Surg Ctr of Sandy Springs	of Sandy Springs, Orthopedic Surgery Center of Sandy Springs, Orthopedic Surgery Center of Sandy Springs, Orthopedic Surgery Center of Sandy Springs, Orthopedic Surgery Center of Sandy Springs	266079	Nov 7, 2020	64493 ASC INJ PARAVERT F JNT L/S 1 LEV	50	1	M47.817 \$4,584.00
Orthopedic Surg Ctr of Sandy Springs	of Sandy Springs, Orthopedic Surgery Center of Sandy Springs, Orthopedic Surgery Center of Sandy Springs, Orthopedic Surgery Center of Sandy Springs	266079	Nov 7, 2020	64494 ASC INJ PARAVERT F JNT L/S 2 LEV	50	1	M47.817 \$2,032.00
Orthopedic Surg Ctr of Sandy Springs	of Sandy Springs, Orthopedic Surgery Center of Sandy Springs, Orthopedic Surgery Center of Sandy Springs, Orthopedic Surgery Center of Sandy Springs	266079	Nov 7, 2020	64495 ASC INJ PARAVERT F JNT L/S 3 LEV	50	1	M47.817 \$1,700.00
Orthopedic Surg Ctr of Sandy Springs	of Sandy Springs, Orthopedic Surgery Center of Sandy Springs, Orthopedic Surgery Center of Sandy Springs, Orthopedic Surgery Center of Sandy Springs	266079	Nov 7, 2020	99070 CUSTOM STERILE INJECTION TRAY		1	M47.817 \$197.00

CLAIM BALANCE							\$8,513.00
Ortho Sport & Spine Physicians Buford	Clark, Melanie	269916	Nov 30, 2020	99213 Office Visit, Est Pt., Level 3		1	M75.40 M25.511 \$213.00

CLAIM BALANCE							\$213.00
Ortho Sport & Spine Physicians Buford	Lee, Jeffrey Y 269917	Nov 30, 2020	20552 INJECT TRIGGER POINT, 1 OR 2		1	M25.511 M25.512 M47.812 M75.40 M47.816 S43.429A M54.5 M54.2 M79.10	\$291.00
Ortho Sport & Spine Physicians Buford	Lee, Jeffrey Y 269917	Nov 30, 2020	99070 GABAPENTIN/NEURONTIN 300MG #90		3	M25.511 M25.512 M47.812 M75.40 M47.816 S43.429A	\$359.10

M54.5	
M54.2	
M79.10	
M25.511	
M25.512	
M47.812	
M75.40	
M47.816	
S43.429A	\$0.00
M54.5	
M54.2	
M79.10	
M25.511	
M25.512	
M47.812	
M75.40	
M47.816	
S43.429A	\$213.00
M54.5	
M54.2	
M79.10	
M25.511	
M25.512	
M47.812	
M75.40	
M47.816	
S43.429A	\$281.60
M54.5	
M54.2	
M79.10	

CLAIM BALANCE	\$1,144.70
ACCOUNT SUMMARY	\$56,183.96

7:30:55 AM

SURGEONS

DR. HODARI BROOKS, MD
ORTHOPEDIC EXTREMITY SURGEON &
TOTAL JOINT REPLACEMENT

DR. MARK FLOOD, MD
ORTHOPEDIC & ENDOSCOPIC SPINE
SURGEON

DR. PHILLIP LANGER, MD., MS., FAAOS
ORTHOPEDIC EXTREMITY SURGEON &
SPORTS MEDICINE

PHYSICIANS

DR. JESS ARCURE, MD
INTERVENTIONAL SPINE

DR. HANY HELMI, MD, DC
INTERVENTIONAL SPINE

DR. AMIT PATEL, MD
INTERVENTIONAL SPINE

DR. JEFFREY LEE, DO
INTERVENTIONAL SPINE

DR. RYAN ROSEN, MD
INTERVENTIONAL SPINE

DR. ZAHRA MERCHANT, MD
INTERVENTIONAL SPINE

NURSE PRACTITIONERS

CASEY BLACK, NP-C
CHRISTOPHER BUSH, NP-C
MELANIE CLARK, NP-C
HAYDEN FROLO, NP-C
MELISSA HAGIN, APRN, NP-C
KIM KUEBLER, DNP, APRN, ANP-BC
NORMA SWEET, DNP, APRN
ANTHONY WADE, PA-C
KEITH WAGONER, PA-C

LOCATIONS

ALBANY, GA
AUGUSTA, GA
BUFORD, GA
CHARLESTON, SC
COLUMBIA, SC
COLUMBUS, GA
DECATUR, GA
KENNESAW, GA
MACON, GA
MORROW, GA
NASHVILLE, TN
SANDY SPRINGS, GA
SAVANNAH, GA

OUR MISSION

"HOPE FOR THOSE WE SERVE,
HAPPINESS FOR THOSE WE SERVE
BESIDE."



SURGICAL ESTIMATE

PATIENT: WANDA TORRES

DOB: 04/06/1961

SURGEON: DR. LANGER

SURGERY: RIGHT SHOLDER ROTATOR CUFF REPAIR, SUBACROMIAL
DECOMPRESSION, LISYS OF ADHESIONS.

CPT CODE(s)	29827, 29826, 29825
SURGERY ESTIMATE	\$77,542.00

Please be advised the estimate may be subject to change once the surgery is completed and services have been rendered.

IN THE STATE COURT OF GWINNETT COUNTY

STATE OF GEORGIA

WANDA TORRES,)	
)	
Plaintiff,)	
)	CIVIL ACTION FILE NO.:
vs.)	
)	21-C-07430-S5
ALBERTO CARBALLO, and)	
BRITO & SON TRANSPORT, INC.,)	
)	
Defendants.)	

CERTIFICATE OF SERVICE OF DISCOVERY

The undersigned hereby certifies that, pursuant to O.C.G.A. § 9-11-29.1 and other applicable provisions of law, he has this day delivered for service upon Defendants true and correct copies of Plaintiff's First Interrogatories, Request for Admissions, and Request for Production of Documents as provided by law.

Respectfully submitted this 13th day of October, 2021.

KENNETH S. NUGENT, P.C.

/s/ Ryan M. Horn

Ryan M. Horn
Georgia Bar No. 794788
Jan P. Cohen
Georgia Bar No. 174337
Attorneys for Plaintiff

4227 Pleasant Hill Road
Building 11
Duluth, Georgia 30096
T: (770) 495-6688
F: (770) 495-6787
rhorn@attorneykennugent.com
jcohen@attorneykennugent.com

IN THE STATE COURT OF GWINNETT COUNTY

STATE OF GEORGIA

WANDA TORRES,)	
)	
Plaintiff,)	
)	CIVIL ACTION FILE NO.:
vs.)	
)	21-C-07430-S5
ALBERTO CARBALLO, and)	
BRITO & SON TRANSPORT, INC.,)	
)	
Defendants.)	

PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS, FIRST INTERROGATORIES, AND REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT BRITO & SON TRANSPORT, INC.

COMES NOW, Wanda Torres, Plaintiff in the above-styled case, by and through her undersigned counsel of record, Kenneth S. Nugent, P.C., and herewith serves upon this Defendant the following Requests for Admissions, Interrogatories and Request for Production of Documents, pursuant to the Georgia Civil Practice Act, and requires this Defendant to answer the following Admissions, Interrogatories and Request for Production of Documents separately and fully in writing under oath and to serve a copy of your answers on the attorneys for the Plaintiff within forty-five (45) days from the date of service as provided by law. You are advised that if you fail to admit any of the Requests for Admissions and the Plaintiff is required to prove any fact contained in the Request at trial, the Plaintiff may seek all expenses incurred in making the proof, including reasonable attorneys' fees.

REQUEST FOR ADMISSIONS

1.

This Defendant admits that it has been properly served with a copy of the Summons and Complaint in the above-styled action.

2.

This Defendant admits that jurisdiction and venue are proper in this case.

3.

This Defendant admits that Plaintiff sustained damages as a result of the subject incident.

4.

This Defendant admits that at all times relevant hereto, it was aware that Defendant Carballo was a reckless and/or incompetent driver.

5.

This Defendant admits that Defendant Carballo caused the incident described in the Complaint.

6.

This Defendant admits that at the time of the subject incident, Defendant Carballo was acting within the course and scope of his employment for Defendant Brito & Son Transport, Inc.

7.

This Defendant admits that Brito & Son Transport, Inc., owns the vehicle that caused the incident described in the Complaint for purposes of doing business.

8.

This Defendant admits that it did not properly check the driving record of employee Alberto Carballo before allowing him to operate the company's vehicle(s), whether leased or owned.

9.

This Defendant admits that Brito & Son Transport, Inc., was immediately notified of the incident.

10.

This Defendant admits that Brito & Son Transport, Inc., knew that Alberto Carballo was driving the vehicle made the subject of this litigation.

FIRST INTERROGATORIES

You are required to answer the following Interrogatories and to serve a copy of your answers on the attorneys for the Plaintiffs within forty-five (45) days from the date of service as provided by law.

In answering the following Interrogatories, you are requested to give full and complete answers based upon all knowledge of you and your agents, employees, servants, representatives, investigators, and others who have obtained information on your behalf.

These Interrogatories shall be deemed continuing in accordance with the Georgia Civil Practice Act so as to require supplemental responses if you or your attorneys or agents obtain further information between the time the responses are served and the time of trial. Any supplemental responses are to be served upon counsel for Plaintiffs within thirty (30) days from receipt of such additional information, but not later than the time of trial.

When used in these interrogatories, the term "incident" specifically refers to the incident which occurred on or about March 28, 2020, at approximately 10:20 p.m. on Buford Highway at or near its intersection with Mall of Georgia Boulevard in Gwinnett County, Georgia, involving Plaintiff and Defendant Alberto Carballo; and which forms the basis of the Complaint filed by Plaintiff.

1.

State the full name of each person providing information responsive to these interrogatories including the following, position of employment with Brito & Son Transport, Inc., or other entity, current residence address, and the authority under which you are providing these responses.

2.

List the name, address and telephone number of Defendant Carballo's present employer as well as any known address for that defendant. Please include responses applicable to the at fault driver in this incident in the event you know or believe to know the identity of the at fault driver or contend another individual to be responsible for the incident made the basis of this action.

3.

Describe all information you have concerning Defendant Carballo's driving record and indicate your information concerning the license number, the state of issuance, the date of issuance, and all restrictions thereon.

4.

Did your company receive a citation as a result of the incident involved herein for any violation of traffic laws or regulations? If so, please state the date of the citation, the location where the alleged violation occurred, naming the street or highway, and city or town; the nature of the traffic violation alleged in the citation issued, the name of the court hearing the charges contained in the citation, the date of that hearing, and the dismissal, fine, or other disposition which resulted from the citations.

5.

Describe your inquiries into the driving records of your employees, stating whether you check for a valid driver's license and whether you investigate their driving records before allowing them to drive company vehicles.

6.

Describe in detail any and all motor vehicle incidents (including the incident which is the subject matter of this litigation) in which your company has been involved during the past ten (10) years; state the facts and circumstances of each incident, the nature and extent of any and all

injuries received as a result of each such incident, and any and all legal consequences including fines, imprisonment, civil suit, settlement, etc. of such incident.

7.

State the purposes for which you entrusted the vehicle in question to Defendant Carballo on the date in question, the purpose for which you had entrusted the vehicle, and the intended destination of his journey.

8.

Describe the employment history of Defendant Carballo. Stating specifically:

- (a) How long she has been/was employed by Brito & Son Transport, Inc.;
- (b) If, when, and why he was terminated or resigned;
- (c) If there were any issues involving Defendant Carballo resulting in disciplinary action throughout the course of employment; and
- (d) The rank and/or position held by Defendant Carballo.

9.

Identify, as defined above, the owner, if not you, of the vehicle driven at the time of the incident which is the subject of Plaintiffs' Complaint.

10.

Describe the damage that resulted to the vehicle you entrusted to Defendant Carballo at the time of the incident, stating the portion of the body of the vehicle damaged and the parts of the vehicle repaired or replaced as a result of the incident, including the cost or estimated cost of said repairs, the name and address of the person or entity estimating or repairing the damage, and the present location of said vehicle.

11.

State whether you are aware if Defendant Carballo had consumed any alcoholic beverage or any drug, whether prescription, over the counter, legal or illegal in the twenty-four (24) hour

period prior to the occurrence which gave rise to this litigation. If so, state the type of alcoholic beverage or drug, the quantity consumed by him, when the consumption occurred, and over what period of time consumption occurred.

12.

Did Defendant Carballo miss any days of work immediately following the incident made the subject of this litigation? If so, please identify the days missed and if he was paid for those days absent.

13.

Please state whether you, your attorney, insurance carrier, their representatives, or anyone acting in your behalf or their behalf, have in your possession or have knowledge of any still photographs, motion pictures, video tapes, drawings or other graphic representations of the scene of this accident, the wreckage or any part thereof, any vehicle involved in this accident, any object, place or thing involved or relevant to this accident, any reconstruction or simulation of any aspect of this accident, or any of the Plaintiff taken since the time of the accident.

14.

If your answer to the foregoing Interrogatory was in the affirmative, please identify and describe each photograph, motion picture, or video tape:

- (a) The subject matter of each stating what views, scenes, or objects of each;
- (b) The name, business and residence address, and telephone number of each person who took, made or prepared each;
- (c) The total number of still photographs taken, and the total length of footage taken in any such motion pictures or video tapes;
- (d) The date each was taken and/or made;
- (e) The name, address and telephone number of the custodian of each;
- (f) Whether the subject matter represented therein differs in any way from the

conditions existing immediately after this accident, (if yes, describe all changes or differences in detail); and

- (g) Whether you will permit counsel for Plaintiffs to inspect and copy said items without a formal request for production.

15.

Identify the owner of Brito & Son Transport, Inc., and whether it is a Non-Profit, Private or Government owned business, and the month, date, and year in which it was established.

16.

Is there any person specially retained as an expert by this Defendant, who this Defendant expects to call as an expert witness at trial? If so, identify (as defined above) this expert, the subject matter or area for which each such expert was retained, the substance of the facts and opinions held by each expert regarding the occurrence which forms the subject matter of this litigation, and provide a summary of the grounds for each opinion of such expert.

17.

Does any insurance agreement or indemnity agreement exist covering yourself, your company, and/or the vehicle which you were in at the time of the incident involved in this lawsuit, under the terms of which the person or company issuing the same may be called upon to satisfy all or part of any judgment which may be entered in favor of the Plaintiff in this action? If so, state the type of policy, the name and address of the insurer, the policy number, the name and address of the person or persons insured, the policy number, the effective date of the coverage and the limits of coverage provided by such agreement.

18.

State specifically all facts and legal theories which you contend support the defenses set forth in this Defendant's answer including, but not limited to, defenses based on lack of jurisdiction

of the subject matter, lack of jurisdiction of the person, improper venue, insufficiency of process, insufficiency of service of process, failure to state a claim upon which relief can be granted, failure to join a party under O.C.G.A. § 9-11-19, failure to correctly name a Defendant, or failure to sue a real party in interest.

19.

State specifically, any and all medical conditions of Plaintiff that this Defendant contends in any way affects the claim that Plaintiff have made in this action. For each such condition, IDENTIFY, as defined above, any documents, photographs, statements, reports or other similar items which contain information regarding the condition, and any person who has information regarding such condition.

20.

Please state the content of each and every statement made by any Plaintiff in this action to you, or in your presence, which you overheard at the scene of this incident, in traffic court or at any other occasion when you came in contact with any Plaintiff. Include with regard to each such statement the party to whom the statement was directed, and the date and time of the statement.

21.

Please state the content of each and every statement made by you to any Plaintiff in this action, or to the police officer at the scene of this incident, in traffic court or at any other occasion when you came in contact with any Plaintiff. Include with regard to each such statement the party to whom the statement was directed, and the date and time of the statement.

22.

Describe fully the extent to which any mechanical problems with your vehicle, the condition of the weather, the condition of the highway, the occupants of your vehicle, or any other external factor or factors influenced, contributed, or led to the incident made the basis of this action.

23.

Describe as best you recall the events leading up to and including the incident, including in your answer:

- (a) When you entrusted the vehicle to Defendant Carballo;
- (b) When were first notified of the incident;
- (c) The length of any skid marks you observed at the scene.

24.

Identify how often all vehicles owned and/or leased by Brito & Son Transport, Inc., are maintained and state what business or person performs the maintenance of such vehicles.

25.

Has Brito & Son Transport, Inc., ever been a party to a lawsuit, either a Plaintiff or a Defendant? If so, please state the case number, jurisdiction, and style of the case.

REQUEST FOR PRODUCTION OF DOCUMENTS

You are required to produce the documents requested herein and to permit the Plaintiff, or someone acting on their behalf to inspect them and copy such of them as they may desire, within forty-five (45) days from the date of service as provided by law. You may produce such documents by mailing copies of same to the undersigned at the office of Kenneth S. Nugent, P.C., 4227 Pleasant Hill Road, Building 11, Suite 300, Duluth, Georgia 30096. YOU ARE FURTHER NOTICED TO PRODUCE THE DOCUMENTS AT ANY DEPOSITION, HEARING OR TRIAL OF THIS MATTER PURSUANT TO O.C.G.A. § 24-10-26.

This Request for the Production of Documents and other things shall be deemed continuing so as to require further and supplemental production of any and all documents and other things learned

of or received after the time of compliance herewith, the production of which would otherwise have been required.

The term "documents" is intended in the broad and literal sense, and means any and all forms of written, typed, printed, recorded, graphic, or computer matter, however produced, processed or reproduced, of any kind and description and whether an original, master, duplicate or copy, including but not limited to agreements, amendments, analysis, appointment books, bank checks, bills, canceled checks, communications (including inter-office and intra-office), corporate records, correspondence, drafts, drawings, films, letters, lists, memoranda, microfiche, microfilm, newspapers, notebooks, notes, orders, photographs, sound recordings, videotapes, things similar to any of the foregoing, and notes, transcriptions or sound recordings of any type of personal or telephone conversations, and all other physical things containing information, including preliminary drafts of and marginal or other notes, notations or comments appearing on any document, however denominated or described.

If you dispute the genuineness of any documents produced in response to this Request for Production of Documents, please provide information sufficient to locate and obtain the original of such document.

1.

Copies of all policies of insurance or indemnity under which you were, or may be, afforded insurance or indemnification coverage for the losses and damages claimed in this action.

2.

Each and every statement or report whether written, recorded, or otherwise preserved, made by any person who was either an eyewitness to any aspect of the subject matter of this case, or who has knowledge of any of the facts or circumstances relating to the subject matter of this case.

3.

Each and every statement or report, whether written, recorded, or otherwise preserved, prepared by any person or entity who, to your knowledge, has investigated or evaluated any physical object, site, or factual circumstance involved in this litigation.

4.

Each and every statement, letter or report, whether written, recorded, or otherwise preserved, from any expert, consultant, party or witness relating to the allegations of negligence, causation or damages, or any defense to such allegations.

5.

All diagrams, maps, models, plats, drawings, or other graphic representations of any kind whatsoever prepared by you, or on your behalf, as a result of the incident which is the subject matter of this litigation.

6.

All photographs, video tapes, photographic reproductions, or other visual representations of any kind whatsoever of any person, place, or thing involved in, or related to, this action.

7.

All documents, photographs, statements, reports, bills, or other similar items which contain information regarding any and all medical conditions of the Plaintiff that this Defendant contends in any way affects the claims that Plaintiffs have made in this action.

8.

All records of employment in possession of Defendant Brito & Son Transport, Inc., regarding Defendant Carballo, including hard copies and computer records.

9.

All maintenance records regarding the vehicle owned by Defendant Brito & Son Transport, Inc., that was involved in the incident made the subject of this litigation.

10.

Please produce any Event Data Recorder for the vehicle Defendant Carballo was driving at the time of the subject incident.

11.

Any and all safety manuals or materials, policies and procedures of any kind, including but not limited to the transferring of loads, the manner in which transfers should be conducted and where transfers can or should be transferred.

12.

Any and all driver's handbooks, training videos or materials of the like, minutes of safety meetings and frequency of said meetings.

Respectfully submitted this 13th day of October, 2021.

KENNETH S. NUGENT, P.C.

/s/ Ryan M. Horn

Ryan M. Horn
Georgia Bar No. 794788
Jan P. Cohen
Georgia Bar No. 174337
Attorneys for Plaintiff

4227 Pleasant Hill Road
Building 11
Duluth, Georgia 30096
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rhorn@attorneykennugent.com
jcohen@attorneykennugent.com

IN THE STATE COURT OF GWINNETT COUNTY

STATE OF GEORGIA

WANDA TORRES,)	
)	
Plaintiff,)	
)	CIVIL ACTION FILE NO.:
vs.)	
)	21-C-07430-S5
ALBERTO CARBALLO, and)	
BRITO & SON TRANSPORT, INC.,)	
)	
Defendants.)	

PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS, FIRST INTERROGATORIES, AND REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT ALBERTO CARBALLO

COMES NOW, Wanda Torres, Plaintiff in the above-styled case, by and through her undersigned counsel of record, Kenneth S. Nugent, P.C., and herewith serves upon this Defendant the following Requests for Admissions, Interrogatories and Request for Production of Documents, pursuant to the Georgia Civil Practice Act, and requires this Defendant to answer the following Admissions, Interrogatories and Request for Production of Documents separately and fully in writing under oath and to serve a copy of your answers on the attorneys for the Plaintiff within forty-five (45) days from the date of service as provided by law. You are advised that if you fail to admit any of the Requests for Admissions and the Plaintiff is required to prove any fact contained in the Request at trial, the Plaintiff may seek all expenses incurred in making the proof, including reasonable attorneys' fees.

REQUEST FOR ADMISSIONS

1.

Admit that you have been correctly named in the instant action insofar as the legal designation of names is concerned.

2.

Admit that you are familiar with the roadway described in the Complaint.

3.

Admit that you were following the vehicle in which Plaintiff was traveling as a passenger too closely on or about March 28, 2020.

4.

Admit that Plaintiff was not contributorily negligent in said incident.

5.

Admit that Plaintiff did nothing wrong with regard to said incident.

6.

Admit that Plaintiff did not assume the risk of injury with regard to said incident.

7.

Admit that you failed to stop your vehicle before the incident in question took place.

8.

Admit that you violated O.C.G.A. § 40-6-49 (following too closely).

9.

Admit that as a direct and proximate result of the incident described in the Complaint the Plaintiff suffered bodily injuries on or about March 28, 2020.

10.

Admit that venue is proper in the State Court of Gwinnett County.

11.

Admit that you were served with a copy of the Summons and Complaint.

12.

Admit that no person not a party to this lawsuit was at fault in the subject incident.

FIRST INTERROGATORIES

You are required to answer the following Interrogatories and to serve a copy of your answers on the attorneys for the Plaintiff within forty-five (45) days from the date of service as provided by law.

In answering the following Interrogatories, you are requested to give full and complete answers based upon all knowledge of you and your agents, employees, servants, representatives, investigators, and others who have obtained information on your behalf.

These Interrogatories shall be deemed continuing in accordance with the Georgia Civil Practice Act so as to require supplemental responses if you or your attorneys or agents obtain further information between the time the responses are served and the time of trial. Any supplemental responses are to be served upon counsel for Plaintiff within thirty (30) days from receipt of such additional information, but not later than the time of trial.

When used in these interrogatories, the term "incident" specifically refers to the incident which occurred on or about March 28, 2020, at approximately 10:20 p.m. on Buford Highway at or near its intersection with Mall of Georgia Boulevard in Gwinnett County, Georgia, involving Plaintiff and Defendant Alberto Carballo; and which forms the basis of the Complaint filed by Plaintiff.

1.

Please state your full name, marital status (and spouse's full name), present street address and telephone number, date of birth and social security number.

2.

At the time of the incident which is the subject of this lawsuit, were you acting in the course and scope of your employment for any employer? If so, identify said employer.

3.

Please list the names and addresses of any relatives you have in the county in which this action is pending or any county to which you contend this action must be transferred to for trial.

4.

State the purpose, point and time of beginning, destination, and the length of time and place of all stops of the trip you were on at the time of the incident referred to in the complaint, and state the name and addresses of each passenger in the vehicle at the time of this incident.

5.

Describe in detail your version of how the subject incident occurred, including what you did to avoid the incident and giving all facts concerning the details of the events before and at the time of the incident which you believe contributed to the incident.

6.

Describe in detail each act or omission on the part of Plaintiff which you contend constituted negligence that was a contributing cause of the incident in question.

7.

Describe in detail each act or omission on the part of any non-party which you contend constituted negligence that was a contributing cause of the incident in question.

8.

Did you consume any drugs, prescription or non-prescription, or alcoholic beverage of any type within twenty-four (24) hours prior to the subject incident? If so, please identify the drug or alcohol consumed, the quantity of such drug or alcohol consumed, the time of such consumption, and identify any individuals who have knowledge of such consumption.

9.

At the time of the incident, were you suffering from any physical or mental condition, disability or sickness, and if so, please state:

- (a) The type and manner of the condition, disability or sickness;
- (b) The date of the onset of the condition, disability or sickness; and
- (c) The identity of each medical practitioner who has treated you for such condition, disability or sickness.

10.

Do you wear glasses or contact lenses? If so, state:

- (a) Who prescribed your glasses or contacts;
- (b) When your glasses or contacts were prescribed; and
- (c) When and by whom your eyes were last examined.

11.

Please specify the time, place and substance of any conversation which you had, or which any person in your presence had, at the scene of the incident about the manner in which it happened; and if you contend that any admissions respecting the issues in this suit were made in those conversations please set forth the substance of each such admission, the names and addresses of each person making the admission or admissions, and the names and addresses of all persons present when the admission or admissions were made.

12.

What are the names, addresses, home telephone numbers, places of employment and present whereabouts of all witnesses known to you who saw or claim they saw all or any part of the occurrence complained of in this action?

13.

What are the names, addresses, home telephone numbers, places of employment and present whereabouts of all witnesses known to you who arrived at the scene of the occurrence complained of in this action immediately or shortly after its occurrence?

14.

What are the names, addresses, home telephone numbers, places of employment and present whereabouts of all persons known to you who have knowledge of relevant information, facts or circumstances in this case?

15.

State the name and address of each person including this Defendant from whom any statement(s) in any form, whether written or oral, has been obtained with regard to the incident and state the name and address of the person who has possession, custody or control of any such statement.

16.

Identify all photographs taken of any person or thing in connection with the incident. With respect to each such photograph, state:

- (a) The name and address of the person who took the photograph;
- (b) What is depicted in the photograph; and
- (c) The name and address of the person now having custody or possession of the negative of said photograph and of the positive prints thereof.

17.

List the name and address of all persons, corporations or entities who were registered title owners or who had any legal or equitable interest in the motor vehicle this Defendant was driving

at the time of the incident and any and all automobiles owned by this Defendant at the time of this incident.

18.

Describe fully the extent to which any mechanical problems with your vehicle, the condition of the weather, the condition of the highway, the occupants of your vehicle or any other external factor or factors influenced, contributed or led to the incident made the basis of this action.

19.

Did you or any occupant in your vehicle own a mobile telephone, or have one in your possession, on March 28, 2020? If so, please identify the name in which the telephone was registered, the provider of services for that telephone and state if you were talking, texting, emailing or otherwise using that telephone at the time of the subject incident.

20.

Were you charged with a violation of any law, ordinance or crime in connection with the incident? If so, for each such charge, please state:

- (a) A complete description of the charge;
- (b) The name and address of the court before which the charge was brought;
- (c) What plea you entered to the charge; and
- (d) The ultimate disposition of the charge.

21.

Have you ever been in a prior or subsequent incident of any type where property damage or personal injury was sustained? If so, please describe each such occurrence, including but not limited to, the type of incident, the date, the people involved and location thereof, and the type of damage or injury.

22.

Have you ever been involved in any other legal action, either as a Plaintiff or a Defendant? If so, state the date and place of each such lawsuit, giving the name of the court, the names of the other parties involved, and the names of the attorneys representing each party.

23.

Have you ever been arrested, pled guilty, pled nolo (no contest) or been convicted of any felony or other crime involving moral turpitude? If so, please state the offense alleged, the warrant, indictment or case number, the state, county and court involved, the date of the final order, and the outcome (sentence, fine, period of probation) from each such charge.

24.

Have you ever been charged or convicted of the violation of any traffic law or ordinance? If so, with respect to each such violation, please state:

- (a) A complete description of the charge;
- (b) The date of the incident on which the charge was based;
- (c) The name and address of the court before which the charge was brought;
- (d) What plea you entered to the charge; and
- (e) The ultimate disposition of the charge.

25.

Please identify all policies of insurance providing coverage benefits of any type with regard to the vehicle in which you were driving at the time of the incident or with regard to any vehicle owned by you at the time of the incident or with regard to any policy for which you have presented any claim for payment of any coverage benefits or any policy of homeowner's and/or renter's insurance, "umbrella", or excess coverage, or any type of liability policy or other type of policy of insurance by or through which you were or might be insured or covered in any manner for any

claim arising out of the incident which is the subject of this lawsuit by providing the following information:

- (a) The name and address of the company issuing the policy;
- (b) The policy number;
- (c) The types of coverage and limits of coverage provided thereby;
- (d) The amount of any claim or demand made by you for payment of coverage benefits;
and
- (e) The type of coverage benefit demanded.

26.

For each policy of insurance identified in response to the preceding interrogatories, please state:

- (a) Whether any such company has denied insurance coverage;
- (b) Whether any such insurance company is defending under a reservation of rights letter or agreement; and
- (c) Whether, to your knowledge, there are any coverage questions regarding any such policy mentioned above.

27.

For each person you intend to call as an expert witness at the trial of the above-styled matter, please state the following:

- (a) His or her name, address and telephone number;
- (b) His or her qualifications as an expert;
- (c) The subject matter to which said person is expected to testify;
- (d) The substance of the facts and opinions to which such person is expected to testify;
and

(e) A summary of the grounds for each opinion.

28.

Please state the names, addresses and the telephone numbers of each individual who is not an expert witness but who has knowledge with respect to the issues in this suit and who may be called to testify on behalf of this Defendant.

29.

Please identify all documents in your possession, custody or control which relate to the subject matter of this action.

30.

If you denied any of the foregoing Request for Admissions, for each admission you denied or any portion thereof, please give and state each fact upon which you base your denial and provide the name, address and phone number of all persons having knowledge of these facts and indicate which facts are supported by which person or persons.

31.

If, in responding to the foregoing Request for Admissions, you could not answer the admission for lack of sufficient information, please describe all inquiries made by you to attempt to answer the request.

32.

State specifically all facts which you contend support the defenses set forth in this Defendant's answer including, but not limited to, defenses based on lack of jurisdiction of the subject matter, lack of jurisdiction of the person, improper venue, insufficiency of process, insufficiency of service of process, failure to state a claim upon which relief can be granted, failure to join a party under O.C.G.A. §9-11-19, failure to correctly name a Defendant, or failure to sue a real party in interest.

REQUEST FOR PRODUCTION OF DOCUMENTS

You are required to produce the documents requested herein and to permit the Plaintiff, or someone acting on their behalf to inspect them and copy such of them as they may desire, within forty-five (45) days from the date of service as provided by law. You may produce such documents by mailing copies of same to the undersigned at the office of Kenneth S. Nugent, P.C., 4227 Pleasant Hill Road, Building 11, Suite 300, Duluth, Georgia 30096. YOU ARE FURTHER NOTICED TO PRODUCE THE DOCUMENTS AT ANY DEPOSITION, HEARING OR TRIAL OF THIS MATTER PURSUANT TO O.C.G.A. § 24-10-26.

This Request for the Production of Documents and other things shall be deemed continuing so as to require further and supplemental production of any and all documents and other things learned of or received after the time of compliance herewith, the production of which would otherwise have been required.

The term "documents" is intended in the broad and literal sense, and means any and all forms of written, typed, printed, recorded, graphic, or computer matter, however produced, processed or reproduced, of any kind and description and whether an original, master, duplicate or copy, including but not limited to agreements, amendments, analysis, appointment books, bank checks, bills, canceled checks, communications (including inter-office and intra-office), corporate records, correspondence, drafts, drawings, films, letters, lists, memoranda, microfiche, microfilm, newspapers, notebooks, notes, orders, photographs, sound recordings, videotapes, things similar to any of the foregoing, and notes, transcriptions or sound recordings of any type of personal or telephone conversations, and all other physical things containing information, including preliminary drafts of and marginal or other notes, notations or comments appearing on any document, however denominated or described.

If you dispute the genuineness of any documents produced in response to this Request for Production of Documents, please provide information sufficient to locate and obtain the original of such document.

1.

Please produce copies of all drivers licenses you now possess or that you did possess at the time of the subject incident.

2.

Please produce any and all documents which support or illustrate your version of the incident as provided in your response to Interrogatory 5 of Plaintiff's First Interrogatories to you.

3.

Please produce any documents evidencing the reason you were traveling in the vehicle you were driving at the time of the subject occurrence.

4.

Please produce any documents showing the route or directions you planned to take or follow had the incident not occurred.

5.

Please produce any books, documents or other tangible things evidencing any facts or circumstances upon which your defenses to the Plaintiff's allegations of negligence, causation and damages are based, or upon which you rely to demonstrate and support relevant facts pertaining to the allegations contained in Plaintiff's Complaint and your Answer thereto.

6.

Please produce any and all documents which support your response to Interrogatories 9 and 10 of Plaintiff's First Interrogatories to you.

7.

Please produce any and all written or recorded statements made by any witness, party or other person having relevant information or knowledge or claiming to have relevant information or knowledge of any fact or circumstance pertaining to the incident described in the Complaint including but not limited to any such statements taken by any insurance adjuster or legal representative. If you claim any privilege as to any such statements, please state the nature of the privilege and the date and substance of each such statement.

8.

Please produce any and all correspondence between the parties in connection with the incident giving rise to the present lawsuit.

9.

Please produce any and all photographs, video recordings, drawings, diagrams and/or illustrations of any person, place or thing related to the incident which gives rise to the present lawsuit, including but not limited to, any photographs or recordings of any of the vehicles taken after the incident giving rise to the present lawsuit, and any photographs or recordings of the scene of the occurrence of the incident.

10.

Please produce any and all documents which disclose the name and address of any person or persons who were the registered title owners or who had any legal or equitable interest in the motor vehicle that you were driving on date of the incident described in the Complaint.

11.

Please produce any and all repair bills or estimates of damage for the vehicle involved in the incident which were made as a result of the incident forming the subject matter of Plaintiff's Complaint.

12.

Please produce any and all medical records or medical information concerning Plaintiff which are in your possession, custody or control.

13.

Please produce any citations you received and any disposition of such citations as a result of the motor vehicle incident complained of in Plaintiff's Complaint.

14.

Please produce the transcript of any judicial or quasi-judicial hearing in connection with the subject occurrence.

15.

Please produce a copy of any incident report of any other vehicular incident in which you have been involved, exclusive of the incident giving rise to the present lawsuit.

16.

Please produce a copy of any civil complaint in which you have been named as a party other than the lawsuit herein.

17.

Please produce copies of all insurance policies that are identified in your responses to Plaintiff's First Interrogatories.

18.

Please produce a declaration page for each and every insurance policy which could possibly provide coverage in relation to this incident.

19.

Please produce any and all correspondence or other documents whereby any insurer has reserved rights as to coverage or has denied coverage to you, in whole or in part, in connection with the incident described in the Complaint.

20.

Please produce any and all documents and tangible items, including but not limited to, reports, memoranda, paper, notes, studies, photographs, videotapes, graphs, charts, tabulations, analysis, summaries, data sheets, statistical or information accumulations, data processing cards or worksheets and computer-generated documents, including drafts or preliminary revisions of any of the above, prepared in connection with this litigation by or under the direction or supervision of any witness whom you expect to call as an expert witness at the trial of this matter.

21.

Please produce any Event Data Recorder for the vehicle Defendant Alberto Carballo was driving at the time of the subject incident.

22.

Please produce all other documents referred to or used in the preparation of your responses to Plaintiffs' First Interrogatories.

Respectfully submitted this 13th day of October, 2021.

KENNETH S. NUGENT, P.C.

/s/ Ryan M. Horn

Ryan M. Horn
Georgia Bar No. 794788
Jan P. Cohen
Georgia Bar No. 174337
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IN THE STATE COURT OF GWINNETT COUNTY

STATE OF GEORGIA

WANDA TORRES,)	
)	
Plaintiff,)	
)	CIVIL ACTION FILE NO.:
vs.)	
)	
ALBERTO CARBALLO, and)	
BRITO & SON TRANSPORT, INC.,)	
)	
Defendants.)	

AMENDED COMPLAINT FOR DAMAGES

COMES NOW Wanda Torres, Plaintiff in the above-styled action, by and through the undersigned counsel, Kenneth S. Nugent, P.C., and hereby files this, her Amended Complaint (the “Complaint”) against Defendants Alberto Carballo and Brito & Son Transport, Inc., and shows this Honorable Court as follows:

1.

Wanda Torres (“Plaintiff”) is a resident of the State of Georgia and currently resides at 212 Overlook Park Lane, Lawrenceville, Georgia 30043. For purposes of the instant action, Plaintiff subjects herself to the jurisdiction and venue of this Court.

2.

Alberto Carballo (“Defendant Carballo”) is a resident of Miami-Dade County, Florida and subject to the jurisdiction of this Court pursuant to O.C.G.A. § 40-12-3 which states in pertinent part, “actions brought under this chapter relating to the use of the highways of this state by a nonresident motorist shall be brought in the county in which the accident or injury occurred or the cause of action originated, or in the county of the residence of the Plaintiff, as the Plaintiff in such action may elect...” Defendant Carballo may be served with a copy of this Complaint and Summons at his residence, to-wit: 810 NW 40th Avenue, Miami, Florida 33126.

3.

Defendant Brito & Son, Inc. (Defendant “Brito”), is a Florida Corporation doing business in the State of Georgia. Service of a Second Original Summons and Complaint may be made on this Defendant by serving its registered agent, to wit: Ariand Brito, 5810 NW 114th Street, Hialeah, Florida 33012 and is subject to the jurisdiction and venue of this Court.

SUMMARY OF FACTS

4.

On or about March 28, 2020, Plaintiff was a passenger in a 2012 Nissan Sentra traveling eastbound on Buford Highway at or near its intersection with Mall of Georgia Boulevard, in the County of Gwinnett, State of Georgia.

5.

On or about same time and place, Defendant Carballo was driving a 2003 Peterbuilt Truck on eastbound on Buford Highway directly behind the vehicle in which Plaintiff was traveling as a passenger.

6.

On or about March 28, 2020, Defendant Carballo failed to stop his vehicle. Suddenly, and without warning, Defendant Carballo collided with the rear of the vehicle in which Plaintiff was traveling as a passenger, causing damages to both vehicles and injuries to Plaintiff.

7.

At all times relevant hereto, the vehicle in which Plaintiff was traveling as a passenger was operated in a safe, reasonable, and prudent fashion.

8.

At said time and place, Defendant Carballo failed to act in the manner expected of a reasonable and prudent driver by following too closely, and Defendant Carballo was otherwise negligent in the premises.

9.

As a direct and proximate result of the collision, Plaintiff sustained immediate and severe injuries to her neck, back, chest, both shoulders, right hip and leg.

10.

Defendant Carballo's failure to obey traffic laws by following too closely constitutes a violation of O.C.G.A. § 40-6-49.

11.

Because Defendant Carballo violated O.C.G.A. § 40-6-49, Defendant's actions constitute negligence per se, as well as ordinary negligence.

12.

Defendant Carballo's negligent actions were the sole, direct, and proximate cause of the collision.

13.

The aforesaid collision was not the result of any negligence on the part of Plaintiff or any person other than Defendant Carballo.

14.

At the time of the collision which is the subject-matter of this case, Defendant Carballo was driving and operating a vehicle which was owned by Defendant Brito.

15.

Defendant Carballo's operation of Defendant Brito's vehicle was warranted under the express authority granted him by virtue of his agency and/or employment relationship with Defendant Brito.

16.

When Defendant Carballo committed the negligent acts described above, he was acting under the direction and control of Defendant Brito, and was acting within the scope of his employment and in furtherance of Defendant Brito.

17.

The negligent acts committed by Defendant Carballo were within the range of Defendant Carballo's employment and for the purpose of accomplishing the business authorized by Defendant Brito.

18.

Defendant Brito, is therefore liable to the Plaintiff under the theory of *Respondeat Superior*, for the negligent acts and omissions of its agent and/or employee, Defendant Carballo; as such acts were committed in the course and scope of these agencies and/or employment by Defendant Brito, and proximately caused the Plaintiff's injuries.

19.

As a result of the injuries Plaintiff sustained in the collision, Plaintiff has incurred significant physical and mental pain and suffering as well as extensive costs and expenses, all of which will be itemized by appropriate amendment to these pleadings.

20.

Defendants Carballo and Brito, are therefore jointly and severally liable to Plaintiff for special and general damages in an amount to be proved by the evidence at trial.

COUNT 1: NEGLIGENCE OF
DEFENDANT ALBERTO CARBALLO

21.

Plaintiff re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 20 above as though fully set forth herein.

22.

The negligence was caused in whole or in part by the negligence and negligence-per-se of Defendant Carballo in one or more of the following respects:

- a. Defendant Carballo failed to drive at a reasonable and prudent speed;
- b. Defendant Carballo failed to obey the traffic laws in the State of Georgia;
- c. Defendant Carballo failed to take evasive action to avoid the collision made the basis of this claim;
- d. Defendant Carballo drove Defendant Brito's vehicle in reckless and/or careless disregard for the safety of other drivers on the highway especially the Plaintiff herein; and
- e. Defendant Carballo failed to maintain control of Defendant Brito's vehicle and failed to post a proper lookout.

23.

Further, the actions of Defendant Carballo constitute a direct violation of numerous statutes of the State of Georgia, with such violations constituting negligence-per-se or negligence as a matter of law. These statutory violations are:

- | | |
|---------------------|-----------------------------------|
| O.C.G.A. § 40-6-390 | Reckless driving; |
| O.C.G.A. § 40-6-241 | Drivers to exercise due care; and |
| O.C.G.A. § 40-6-49 | Following too closely. |

24.

The above described acts of negligence and negligence per-se above caused the vehicle driven by Defendant Carballo to collide with the Plaintiff's vehicle.

25.

Due to the collision caused by Defendant Carballo, Plaintiff suffered serious bodily injuries, incurred medical expenses and endured physical and emotional pain and suffering, past, present, and future.

COUNT II: NEGLIGENCE OF DEFENDANT
BRITO & SON TRANSPORT, INC.

26.

Plaintiff re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 25 above as though fully set forth herein.

27.

The collision occurred as a direct and proximate result of Defendant Brito's negligent entrustment of their vehicle to Defendant Carballo, in allowing Defendant Carballo to drive its vehicle in a negligent manner, and in doing so failed to exercise ordinary care and regard for the safety of others.

28.

The negligence was caused in whole or in part by the negligence and negligence-per-se of Defendant Carballo in one or more of the following respects:

- a) Defendant Brito allowed Defendant Carballo to drive their vehicle in a reckless and dangerous manner;
- b) Defendant Brito allowed Defendant Carballo to drive their vehicle knowing Defendant Carballo was not a competent driver;

- c) Defendant Brito knew or should have known that Defendant Carballo posed a risk to others;
- d) Defendant Brito knew or should have known that Defendant Carballo would drive their vehicle in a dangerous and reckless manner.

29.

All Defendants herein are therefore jointly and severally liable to Plaintiff for general damages in an amount to be proven by the evidence at trial.

COUNT III: INJURIES
TO PLAINTIFF

30.

Paragraphs 1 through 29 of this Complaint are incorporated herein by reference.

31.

As a direct and proximate result of the actions of Defendant Carballo, Plaintiff has sustained:

- a) Various bodily injuries, including but not limited: headache; right leg and hip pain; joint stiffness; muscle spasms; myalgia/myositis; bilateral shoulder pain; cervical, thoracic and lumbar sprain/strain; cervical, thoracic, and lumbar pain; cervical, thoracic and lumbar disc displacement; thoracic radiculopathy supraspinatus; infraspinatus full thickness tear of the anterior to mid supraspinatus insertion and grade articular surface tear of the mid infraspinatus insertion;
- b) Past, present and future mental and physical pain and suffering and disruption of normal life and diminution in the enjoyment of life;
- c) Past, present and future medical expenses; and
- d) Incidental expenses.

32.

Plaintiff has incurred or will incur the following special damages:

ProHealth Integrated Medical	05/29/2020 - 08/21/2020	\$ 3,603.39
Ortho Sport & Spine Physicians	07/01/2020 - 11/30/2020	\$ 56,183.83

Future Medical Care:		
Ortho Sport & Spine Physicians Surgical Estimate		\$ 77,542.00

TOTAL SPECIALS	\$ 137,329.22
-----------------------	----------------------

The bills for the above referenced damages are attached hereto as Exhibit "A".

33.

The charges for the above referenced bills are reasonable and customary for the treatment that Plaintiff has received and/or will receive.

34.

The above referenced charges were/are necessary to treat the injuries Plaintiff suffered as a result of this accident.

35.

Defendants are therefore liable to Plaintiff for past and future special damages in the amount of \$137,329.22.

36.

Defendants are further liable to Plaintiff for general damages in an amount to be proven by the evidence at trial.

WHEREFORE, Plaintiff prays that he has judgment against Defendants as follows:

- a) Trial by jury;
- b) Judgment against the Defendants for general damages in an amount to be determined by the Court;

- c) Judgment against the Defendants for special damages in an amount to be proven at trial;
- d) Judgment against the Defendants for costs and expenses;
- e) Judgment against the Defendants for such other and further relief as this Court deems appropriate; and
- f) That Plaintiff recover for attorneys' fees and all other damages allowed under O.C.G.A. § 13-6-11.

This 15th day of October, 2021.

KENNETH S. NUGENT, P.C.

/s/ Ryan M. Horn

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Jan P. Cohen
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Patient Transaction Report

ProHealth Integrated Medical LLC

Date Range: May 1, 2020-Aug 21, 2020

Transaction
Type:

AssociatedFilter Charge By:

Service Date

Provider:

All

Patient Name & Account
No: TORRES,
WANDA

96893

Patient Name	Patient Acct No	Claim ID	Rendering Provider Name	Service Date	Transaction Date	Charges By CPT		Billed Charge	Ins Payment
TORRES, WANDA	96893	98749	Willis DC, Christopher P	Jun 17, 2020	Jul 13, 2020	97010	\$35.00	\$195.00	\$0.00
						97012	\$45.00		
						97026	\$50.00		
						97124	\$65.00		
	98749					98749		\$195.00	\$0.00
	96893	98751	Willis DC, Christopher P	May 29, 2020	Jul 13, 2020	97010	\$35.00	\$266.00	\$0.00
						97012	\$45.00		
						97026	\$50.00		
						97124	\$65.00		
						98941	\$71.00		
	98751					98751		\$266.00	\$0.00
	96893	98752	Willis DC, Christopher P	May 29, 2020	Jul 13, 2020	99202	\$150.00	\$150.00	\$0.00
	98752					98752			
	96893	98753	Willis DC, Christopher P	Jun 3, 2020	Jul 13, 2020	97535	\$65.00	\$315.00	\$0.00
						E0720	\$250.00		
	98753					98753		\$315.00	\$0.00
	96893	98754	Willis DC, Christopher P	Jun 3, 2020	Jul 13, 2020	97010	\$35.00	\$195.00	\$0.00
						97012	\$45.00		
						97026	\$50.00		
						97124	\$65.00		
	98754					98754		\$195.00	\$0.00
	96893	98756	Willis DC, Christopher P	Jun 5, 2020	Jul 13, 2020	97010	\$35.00	\$195.00	\$0.00
						97012	\$45.00		
						97026	\$50.00		
						97124	\$65.00		
	98756					98756		\$195.00	\$0.00

Exhibit A

Patient Transaction Report

ProHealth Integrated Medical LLC

Date Range: May 1, 2020-Aug 21, 2020

Transaction
Type:

AssociatedFilter Charge By:

Service Date

Provider:

All

Patient Name & Account
No:

Patient Name	Patient Acct No	Claim ID	Rendering Provider Name	Service Date	Transaction Date	Charges By CPT		Billed Charge	Ins Payment
TORRES, WANDA	96893	98758	Willis DC, Christopher P	Jun 10, 2020	Jul 13, 2020	97010	\$35.00	\$260.00	\$0.00
						97012	\$45.00		
						97026	\$50.00		
						97124	\$65.00		
						98940	\$65.00		
	98758					98758		\$260.00	\$0.00
	96893	98759	Willis DC, Christopher P	Jun 10, 2020	Jul 13, 2020	99070	\$75.00	\$75.00	\$0.00
	98759					98759		\$75.00	\$0.00
	96893	98760	Willis DC, Christopher P	Jun 12, 2020	Jul 13, 2020	97010	\$35.00	\$195.00	\$0.00
						97012	\$45.00		
						97026	\$50.00		
						97124	\$65.00		
	98760					98760		\$195.00	\$0.00
	96893	98761	Willis DC, Christopher P	Jun 19, 2020	Jul 13, 2020	97010	\$35.00	\$266.00	\$0.00
						97012	\$45.00		
						97026	\$50.00		
						97124	\$65.00		
						98941	\$71.00		
	98761					98761		\$266.00	\$0.00
	96893	98762	Willis DC, Christopher P	Jun 24, 2020	Jul 13, 2020	97010	\$35.00	\$195.00	\$0.00
						97012	\$45.00		
						97026	\$50.00		
						97124	\$65.00		
	98762					98762		\$195.00	\$0.00
	96893	98763	Willis DC, Christopher P	Jun 26, 2020	Jul 13, 2020	97010	\$35.00	\$195.00	\$0.00
						97012	\$45.00		
						97026	\$50.00		
						97124	\$65.00		

Aug 21, 2020

- 3 -

2:33:52 PM

Patient Transaction Report

ProHealth Integrated Medical LLC

Date Range: May 1, 2020-Aug 21, 2020

Transaction
Type:

AssociatedFilter Charge By:

Service Date

Provider:

All

Patient Name & Account
No:

Patient Name	Patient Acct No	Claim ID	Rendering Provider Name	Service Date	Transaction Date	Charges By CPT		Billed Charge	Ins Payment
TORRES, WANDA	98763					98763		\$195.00	\$0.00
	96893	98764	Willis DC, Christopher P	Jul 1, 2020	Jul 13, 2020	97010	\$35.00	\$386.00	\$0.00
						97012	\$45.00		
						97026	\$50.00		
						97124	\$65.00		
						98941	\$71.00		
						99213	\$120.00		
	98764					98764		\$386.00	\$0.00
	96893	99101	Willis DC, Christopher P	Jul 3, 2020	Aug 19, 2020	97010	\$35.00	\$195.00	\$0.00
						97012	\$45.00		
						97026	\$50.00		
						97124	\$65.00		
	99101					99101		\$195.00	\$0.00
	96893	99102	Willis DC, Christopher P	Jul 8, 2020	Aug 19, 2020	97010	\$35.00	\$195.00	\$0.00
						97012	\$45.00		
						97026	\$50.00		
						97124	\$65.00		
99102					99102		\$195.00	\$0.00	
96893	99103	Willis DC, Christopher P	Jul 10, 2020	Aug 19, 2020	97010	\$35.00	\$266.00	\$0.00	
					97012	\$45.00			
					97026	\$50.00			
					97124	\$65.00			
					98941	\$71.00			
99103					99103		\$266.00	\$0.00	
96893	99106	Willis DC, Christopher P	Aug 21, 2020	Aug 21, 2020	S9982	\$59.39	\$59.39	\$0.00	
99106					99106		\$59.39	\$0.00	
TORRES, WANDA						TORRES, WANDA		\$3,603.39	\$0.00
Summary						Summary		\$3,603.39	\$0.00

Aug 21, 2020

- 5 -

2:33:52 PM

Itemized Billing Statement**Date Range:** Jan 1, 2014 - Dec 2, 2020**Provider:** All**Patient:** Torres, Wanda**PATIENT NAME:** Torres, Wanda**ACCOUNT #:** AB55947**DOB:** Apr 6, 1961**MOBILE PHONE:** 770-925-5881**ADDRESS:** 1654 FT MASON WAY, DACULA, GA, 30019-6790**PHONE:** 925-5881

FacilityName	Rendering Provider Name	CLAIM #	Service Date	CODE/DESC	Mod1	Units	ICD	BALANCE
Ortho Sport & Spine Physicians Buford	Clark, Melanie	241108	Jul 1, 2020	72040 X-RAY EXAM OF NECK SPINE		1	M54.2 M54.5 M47.812 M54.12 M54.2 M47.816	\$123.00
Ortho Sport & Spine Physicians Buford	Clark, Melanie	241108	Jul 1, 2020	72100 X-RAY EXAM OF LOWER SPINE		1	M54.2 M54.5 M47.812 M54.12 M54.2 M47.816	\$123.00
Ortho Sport & Spine Physicians Buford	Clark, Melanie	241108	Jul 1, 2020	99204 Office Visit, New Pt., Level 4		1	M54.2 M54.5 M47.812 M54.12 M54.2 M47.816	\$499.00
CLAIM BALANCE								\$745.00
Ortho Sport & Spine Physicians Buford	Clark, Melanie	243361	Jul 14, 2020	99213 Office Visit, Est Pt., Level 3		1	M47.816 M54.5 M47.812 M54.2 M50.20	\$213.00
CLAIM BALANCE								\$213.00
OSSP IMAGING of North Atlanta	Feiner, Clifford	243502	Jul 7, 2020	72148 MRI LUMBAR SPINE W/O DYE		1	M47.816	\$1,874.00
CLAIM BALANCE								\$1,874.00
OSSP IMAGING of North Atlanta	Feiner, Clifford	243504	Jul 7, 2020	72141 MRI NECK SPINE W/O DYE		1	M47.812	\$1,949.00
CLAIM BALANCE								\$1,949.00
Orthopedic Surg Ctr of Sandy Springs	Rosen, Ryan	243638	Jul 15, 2020	64490 INJ PARAVERT F JNT C/T 1 LEV	50	1	M47.812	\$2,952.00
Orthopedic Surg	Rosen, Ryan	243638	Jul 15, 2020	64491 INJ PARAVERT F	50	1	M47.812	\$1,534.00

Ctr of Sandy
Springs
Orthopedic Surg
Ctr of Sandy
Springs

Rosen, Ryan 243638

Jul 15, 2020

JNT C/T 2 LEV

64492 INJ PARAVERT F
JNT C/T 3 LEV

50

1

M47.812

\$1,370.00

**CLAIM
BALANCE**

\$5,856.00

Orthopedic Surg
Ctr of Sandy
Springs

of Sandy
Springs,
Orthopedic
Surgery
Center
of Sandy

245692

Jul 15, 2020

64490 ASC INJ PARAVERT
F JNT C/T 1 LEV

50

1

M47.812

\$4,548.00

Orthopedic Surg
Ctr of Sandy
Springs

of Sandy
Springs,
Orthopedic
Surgery
Center
of Sandy

245692

Jul 15, 2020

64491 ASC INJ PARAVERT
F JNT C/T 2 LEV

50

1

M47.812

\$1,966.00

Orthopedic Surg
Ctr of Sandy
Springs

of Sandy
Springs,
Orthopedic
Surgery
Center
of Sandy

245692

Jul 15, 2020

64492 ASC INJ PARAVERT
F JNT C/T 3 LEV

50

1

M47.812

\$1,630.00

Orthopedic Surg
Ctr of Sandy
Springs

of Sandy
Springs,
Orthopedic
Surgery
Center
of Sandy

245692

Jul 15, 2020

99070 CUSTOM STERILE
INJECTION TRAY

1

M47.812

\$197.00

Orthopedic Surg
Ctr of Sandy
Springs

of Sandy
Springs,
Orthopedic
Surgery
Center
of Sandy

245692

Jul 15, 2020

99156 MOD SED OTH
PHYS/QHP 5/>YRS

1

M47.812

\$350.00

**CLAIM
BALANCE**

\$8,691.00

Orthopedic Surg
Ctr of Sandy
Springs

Lee, Jeffrey Y 245766

Jul 28, 2020

20552 SAV INJECT
TRIGGER POINT, 1 OR 2

50

1

M47.817 R51

\$582.00

Orthopedic Surg
Ctr of Sandy
Springs

Lee, Jeffrey Y 245766

Jul 28, 2020

64493 INJ PARAVERT F
JNT L/S 1 LEV

50

1

M47.817 R51

\$2,916.00

Orthopedic Surg
Ctr of Sandy
Springs

Lee, Jeffrey Y 245766

Jul 28, 2020

64494 INJ PARAVERT F
JNT L/S 2 LEV

50

1

M47.817 R51

\$1,468.00

Orthopedic Surg
Ctr of Sandy
Springs

Lee, Jeffrey Y 245766

Jul 28, 2020

64495 INJ PARAVERT F
JNT L/S 3 LEV

50

1

M47.817 R51

\$1,300.00

**CLAIM
BALANCE**

\$6,266.00

Orthopedic Surg
Ctr of Sandy
Springs

of Sandy
Springs,
Orthopedic
Surgery
Center
of Sandy

246503

Jul 28, 2020

20552 ASC INJECT
TRIGGER POINT, 1 OR 2

50

1

M47.817 R51

\$1,222.26

Orthopedic Surg
Ctr of Sandy
Springs

of Sandy
Springs,
Orthopedic
Surgery
Center
of Sandy

246503

Jul 28, 2020

64493 ASC INJ PARAVERT
F JNT L/S 1 LEV

50

1

M47.817 R51

\$4,584.00

Orthopedic Surg
Ctr of Sandy
Springs

of Sandy
Springs,
Orthopedic
Surgery
Center
of Sandy

246503

Jul 28, 2020

64494 ASC INJ PARAVERT
F JNT L/S 2 LEV

50

1

M47.817 R51

\$2,032.00

Orthopedic Surg of Sandy Springs, Orthopedic Surgery Center of Sandy Springs	246503	Jul 28, 2020	64495 ASC INJ PARAVERT 50 F JNT L/S 3 LEV	1	M47.817 R51	\$1,700.00
Orthopedic Surg Ctr of Sandy Springs	246503	Jul 28, 2020	99070 CUSTOM STERILE INJECTION TRAY	1	M47.817 R51	\$197.00
Orthopedic Surg Ctr of Sandy Springs	246503	Jul 28, 2020	99156 MOD SED OTH PHYS/QHP 5/>YRS	1	M47.817 R51	\$350.00

**CLAIM
BALANCE****\$10,085.26**

Ortho Sport & Spine Physicians Buford	Clark, Melanie	248901	Aug 12, 2020	99213 Office Visit, Est Pt., Level 3	1	M47.812 M54.2 M47.816 M54.5	\$213.00
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**CLAIM
BALANCE****\$213.00**

Ortho Sport & Spine Physicians Buford	Clark, Melanie	251562	Aug 27, 2020	99213 Office Visit, Est Pt., Level 3	1	M47.812 M50.20 M54.2 M47.816 M54.5	\$213.00
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**CLAIM
BALANCE****\$213.00**

Ortho Sport & Spine Physicians	Flood, Mark A	255513	Sep 18, 2020	99213 Office Visit, Est Pt., Level 3	1	R20.2 M47.812 M79.18 S13.0XXA G95.20	\$213.00
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Ortho Sport & Spine Physicians	Flood, Mark A	255513	Sep 18, 2020	L0637 LSO SAG-CORONAL PANEL PREFAB NU	1	R20.2 M47.812 M79.18 S13.0XXA G95.20	\$1,600.00
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**CLAIM
BALANCE****\$1,813.00**

Ortho Sport & Spine Physicians Buford	Clark, Melanie	258368	Oct 1, 2020	99213 Office Visit, Est Pt., Level 3	1	M47.812 M54.2 M50.20 M54.12 M54.5 M47.816	\$213.00
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**CLAIM
BALANCE****\$213.00**

Ortho Sport & Spine Physicians	Flood, Mark A 261491	Oct 19, 2020	20552 INJECT TRIGGER POINT, 1 OR 2	1	M54.12 M25.511	\$291.00
Ortho Sport & Spine Physicians	Flood, Mark A 261491	Oct 19, 2020	99070 CUSTOM STERILE INJECTION TRAY	1	M54.12 M25.511	\$197.00
Ortho Sport & Spine Physicians	Flood, Mark A 261491	Oct 19, 2020	99213 Office Visit, Est Pt., Level 3 25	1	M54.12 M25.511	\$213.00
Ortho Sport & Spine Physicians	Flood, Mark A 261491	Oct 19, 2020	J1885 INJ KETOROLAC TROMETHAMINE 15 MG	1	M54.12 M25.511	\$36.00

**CLAIM
BALANCE**
\$737.00

Ortho Sport & Spine Physicians Buford	Clark, Melanie 263743	Oct 28, 2020	73030 X-RAY EXAM OF SHOULDER LT	1	M25.511 M25.512 M75.40 S43.429A M54.2	\$96.00
Ortho Sport & Spine Physicians Buford	Clark, Melanie 263743	Oct 28, 2020	73030 X-RAY EXAM OF SHOULDER RT	1	M25.511 M25.512 M75.40 S43.429A M54.2	\$96.00
Ortho Sport & Spine Physicians Buford	Clark, Melanie 263743	Oct 28, 2020	99070 DENDRACIN 30/10/0.25%	1	M25.511 M25.512 M75.40 S43.429A M54.2	\$464.40
Ortho Sport & Spine Physicians Buford	Clark, Melanie 263743	Oct 28, 2020	99213 Office Visit, Est Pt., Level 3	1	M25.511 M25.512 M75.40 S43.429A M54.2	\$213.00

**CLAIM
BALANCE**
\$869.40

Ortho Sport & Spine Physicians Buford	Lee, Jeffrey Y 263744	Oct 28, 2020	20552 INJECT TRIGGER POINT, 1 OR 2	1	M47.812 M47.816 M54.5 M54.2 M79.10	\$200.00
Ortho Sport & Spine Physicians Buford	Lee, Jeffrey Y 263744	Oct 28, 2020	99070 CUSTOM STERILE INJECTION TRAY	1	M47.812 M47.816 M54.5 M54.2 M79.10	\$197.00
Ortho Sport & Spine Physicians Buford	Lee, Jeffrey Y 263744	Oct 28, 2020	99213 Office Visit, Est Pt., Level 3 25	1	M47.812 M47.816 M54.5 M54.2 M79.10	\$213.00
Ortho Sport & Spine Physicians Buford	Lee, Jeffrey Y 263744	Oct 28, 2020	J2001 INJECTION, XYLOCAINE 1% 1CC	4	M47.812 M47.816 M54.5 M54.2	\$281.60

M79.10

CLAIM BALANCE							\$891.60
Orthopedic Surg Ctr of Sandy Springs	Lee, Jeffrey Y 265934	Nov 7, 2020	64493 INJ PARAVERT F JNT L/S 1 LEV	50	1	M47.817	\$2,916.00
Orthopedic Surg Ctr of Sandy Springs	Lee, Jeffrey Y 265934	Nov 7, 2020	64494 INJ PARAVERT F JNT L/S 2 LEV	50	1	M47.817	\$1,468.00
Orthopedic Surg Ctr of Sandy Springs	Lee, Jeffrey Y 265934	Nov 7, 2020	64495 INJ PARAVERT F JNT L/S 3 LEV	50	1	M47.817	\$1,300.00

CLAIM BALANCE							\$5,684.00
Orthopedic Surg Ctr of Sandy Springs	of Sandy Springs, Orthopedic Surgery Center of Sandy Springs, Orthopedic Surgery Center of Sandy Springs, Orthopedic Surgery Center of Sandy Springs, Orthopedic Surgery Center of Sandy Springs	266079	Nov 7, 2020	64493 ASC INJ PARAVERT F JNT L/S 1 LEV	50	1	M47.817 \$4,584.00
Orthopedic Surg Ctr of Sandy Springs	of Sandy Springs, Orthopedic Surgery Center of Sandy Springs, Orthopedic Surgery Center of Sandy Springs, Orthopedic Surgery Center of Sandy Springs	266079	Nov 7, 2020	64494 ASC INJ PARAVERT F JNT L/S 2 LEV	50	1	M47.817 \$2,032.00
Orthopedic Surg Ctr of Sandy Springs	of Sandy Springs, Orthopedic Surgery Center of Sandy Springs, Orthopedic Surgery Center of Sandy Springs, Orthopedic Surgery Center of Sandy Springs	266079	Nov 7, 2020	64495 ASC INJ PARAVERT F JNT L/S 3 LEV	50	1	M47.817 \$1,700.00
Orthopedic Surg Ctr of Sandy Springs	of Sandy Springs, Orthopedic Surgery Center of Sandy Springs, Orthopedic Surgery Center of Sandy Springs, Orthopedic Surgery Center of Sandy Springs	266079	Nov 7, 2020	99070 CUSTOM STERILE INJECTION TRAY		1	M47.817 \$197.00

CLAIM BALANCE							\$8,513.00
Ortho Sport & Spine Physicians Buford	Clark, Melanie	269916	Nov 30, 2020	99213 Office Visit, Est Pt., Level 3		1	M75.40 M25.511 \$213.00

CLAIM BALANCE							\$213.00
Ortho Sport & Spine Physicians Buford	Lee, Jeffrey Y 269917	Nov 30, 2020	20552 INJECT TRIGGER POINT, 1 OR 2		1	M25.511 M25.512 M47.812 M75.40 M47.816 S43.429A M54.5 M54.2 M79.10	\$291.00
Ortho Sport & Spine Physicians Buford	Lee, Jeffrey Y 269917	Nov 30, 2020	99070 GABAPENTIN/NEURONTIN 300MG #90		3	M25.511 M25.512 M47.812 M75.40 M47.816 S43.429A	\$359.10

Physician	Referring Physician	Referral Date	Referral Description	Referral Count	Referral Details	Referral Amount
Ortho Sport & Spine Physicians Buford	Lee, Jeffrey Y 269917	Nov 30, 2020	99072 PPE Related to Public Health Emergency	1	M54.5 M54.2 M79.10 M25.511 M25.512 M47.812 M75.40 M47.816 S43.429A M54.5 M54.2 M79.10	\$0.00
Ortho Sport & Spine Physicians Buford	Lee, Jeffrey Y 269917	Nov 30, 2020	99213 Office Visit, Est Pt., Level 3	1	M25.511 M25.512 M47.812 M75.40 M47.816 S43.429A M54.5 M54.2 M79.10	\$213.00
Ortho Sport & Spine Physicians Buford	Lee, Jeffrey Y 269917	Nov 30, 2020	J2001 INJECTION, XYLOCAINE 1% 1CC	4	M25.511 M25.512 M47.812 M75.40 M47.816 S43.429A M54.5 M54.2 M79.10	\$281.60

CLAIM BALANCE	\$1,144.70
ACCOUNT SUMMARY	\$56,183.96

Dec 2, 2020

1

7:30:55 AM

SURGEONS

DR. HODARI BROOKS, MD
ORTHOPEDIC EXTREMITY SURGEON &
TOTAL JOINT REPLACEMENT

DR. MARK FLOOD, MD
ORTHOPEDIC & ENDOSCOPIC SPINE
SURGEON

DR. PHILLIP LANGER, MD., MS., FAAOS
ORTHOPEDIC EXTREMITY SURGEON &
SPORTS MEDICINE

PHYSICIANS

DR. JESS ARCURE, MD
INTERVENTIONAL SPINE

DR. HANY HELMI, MD, DC
INTERVENTIONAL SPINE

DR. AMIT PATEL, MD
INTERVENTIONAL SPINE

DR. JEFFREY LEE, DO
INTERVENTIONAL SPINE

DR. RYAN ROSEN, MD
INTERVENTIONAL SPINE

DR. ZAHRA MERCHANT, MD
INTERVENTIONAL SPINE

NURSE PRACTITIONERS

CASEY BLACK, NP-C
CHRISTOPHER BUSH, NP-C
MELANIE CLARK, NP-C
HAYDEN FROLO, NP-C
MELISSA HAGIN, APRN, NP-C
KIM KUEBLER, DNP, APRN, ANP-BC
NORMA SWEET, DNP, APRN
ANTHONY WADE, PA-C
KEITH WAGONER, PA-C

LOCATIONS

ALBANY, GA
AUGUSTA, GA
BUFORD, GA
CHARLESTON, SC
COLUMBIA, SC
COLUMBUS, GA
DECATUR, GA
KENNESAW, GA
MACON, GA
MORROW, GA
NASHVILLE, TN
SANDY SPRINGS, GA
SAVANNAH, GA

OUR MISSION

"HOPE FOR THOSE WE SERVE,
HAPPINESS FOR THOSE WE SERVE
BESIDE."



SURGICAL ESTIMATE

PATIENT: WANDA TORRES

DOB: 04/06/1961

SURGEON: DR. LANGER

SURGERY: RIGHT SHOLDER ROTATOR CUFF REPAIR, SUBACROMIAL
DECOMPRESSION, LISYS OF ADHESIONS.

CPT CODE(s)	29827, 29826, 29825
SURGERY ESTIMATE	\$77,542.00

Please be advised the estimate may be subject to change once the surgery is completed and services have been rendered.

**Miami-Dade Police Department****Court Services Section****Alfredo Ramirez, III**
Director / Metropolitan Sheriff**21-C-07430-S5**
11/19/21 8:48 AM
TAMARA E. GARNER, CLERK

WANDA TORRES vs. ALBERTO CARBALLO (et al.)

Case Number
21-C-07430-S5**RETURN OF SERVICE**

SUMMONS - CIVIL

10/21/21 3:39 pm Served - Corporate Service

SERVED

BRITO & SON TRANSPORT, INC.

10/20/2021 Came this day into hand of the Sheriff

10/21/2021 03:39 PM - SERVED THE SUMMONS UPON BRITO & SON TRANSPORT, INC. AT C/O RA ARIAND BRITO, 5810 NW 114TH STREET, HIALEAH, FL 33012 BY DELIVERING A COPY TO ARIAND BRITO (REGISTERED AGENT), IN ACCORDANCE WITH F.S. 48.081 AND F.S. 48.091. SERVICE AFFECTED BY: CSS1 MANUEL SOLARES #9319, DEPUTY SHERIFF OF MIAMI-DADE COUNTY, FL. NIN

MANUEL SOLARES, CSS1, #9319

KENNETH S. NUGENT, P.C.
4227 PLEASANT HILL ROAD
BUILDING 11, SUITE 300
DULUTH, GA 30096

**Miami-Dade Police Department**

Court Services Section

Alfredo Ramirez, III
Director / Metropolitan Sheriff

WANDA TORRES vs. ALBERTO CARBALLO (et al.)

Case Number
21-C-07430-S5**RETURN OF SERVICE**

SUMMONS - CIVIL

10/22/21 11:26 am No Service - Other	UNSERVED	ALBERTO CARBALLO
--------------------------------------	----------	------------------

10/20/2021 Came this day into hand of the Sheriff

10/22/2021 11:26 AM - THE SUMMONS WAS NOT SERVED TO ALBERTO CARBALLO AT 810 NW 40TH AVENUE, MIAMI, FL 33126. NO SERVICE OTHER, AS PER TO BE SERVED, MOTHER HE LIVES IN ANOTHER PART OF FLORIDA ADDRESS I UNKNOWN.

TIANA HALLMAN, OFFICER, #60019KENNETH S. NUGENT, P.C.
4227 PLEASANT HILL ROAD
BUILDING 11, SUITE 300
DULUTH, GA 30096



Miami-Dade Police Department

Court Services Section

 Alfredo Ramirez, III
 Director / Metropolitan Sheriff


WANDA TORRES vs. ALBERTO CARBALLO (et al.)

 Case Number
 21-C-07430-S5

SERVICE COVER SHEET

Reference #: 1038409781

E320927

Category: Summons - Civil - Summons

Zone:

Zone 08S

To Be Served:

Alternate Address:

Name:

ALBERTO CARBALLO

DOB:

Address:

 810 NW 40TH AVENUE
 MIAMI, FL 33126

Phone:

☒ Served☐ Personal☐ Corporate☐ Substitute☐ Posted☐ Other (see comments)☒ No Served☐ Unable to Contact☐ No Such Address☐ Vacant☒ Moved☒ Other (see comments)☒ Executed☐ Per Instructions☐ Placed In Possession of:

Name

Date

Time

Deputy

Badge #

☒ Unexecuted☐ Third Party Stay☐ Paid / Stipulation☐ Quashed / Expired

Attempts / Comments:

 10-22-2021 11:20AM As per to be served mother he files
 a another part of Florida address is unknown J. Hallman 6019